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LAWS
OF THE
GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF PENNSYLVANIA.

PASSED AT THE SESSION OF 1837-38.

IN THE
SIXTY-SECOND YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

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1838.

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LAWS OF PENNSYLVANIA.



No. 1.

An Act

Supplementary to the act incorporating the Philadelphia, Wilmington and Baltimore Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Philadelphia, Wilmington and Baltimore Railroad company, incorporated in pursuance of an act of assembly of this Commonwealth, The Philad. passed the second day of April eighteen hundred and thirty- Wilmington one, and of a supplement thereto, passed the fourteenth day and Balt. R. of March eighteen hundred and thirty-six, to form an union Road co., to with the Wilmington and Susquehanna Railroad company, form an uni- and the Baltimore and Port Deposit Railroad company, incor- on with two- porated under laws of the states of Delaware and Maryland other R. R. respectively, so that the stock of the said three companies companies, may constitute a common stock, upon such terms and condi- upon terms to be agreed and that as soon as such union shall have been effected, and upon. a true copy of the agreement made for that purpose, (duly certified under the corporate seals of the said companies,) shall have been filed in the office of the Secretary of this Commonwealth, the stockholders of the said companies shall Certified copy of the agree- become one body corporate and politic, under the name and ment to be filed in Secretary's Office. style of the "Philadelphia, Wilmington and Baltimore Rail- road company," with all rights and privileges incident to a corporation, and with all the rights, powers and privileges

which, by virtue of any law of this Commonwealth, are now vested in the Philadelphia, Wilmington and Baltimore Railroad company.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the nineteenth day of December, Anno Domini, one thousand eight hundred and thirty-seven.

JOS. RITNER.

No 2.

An Act

Supplementary to an act entitled “An act to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the provisions of the act entitled An act to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania, passed the tenth day of April, one thousand eight hundred and thirty-five, shall be, and the same hereby are continued in force until the tenth day of April, in the year one thousand eight hundred and forty, and no longer.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the twentieth day of December, Anno Domini, one thousand eight hundred and thirty-seven.

JOS. RITNER.

No. 3.

An Act

Supplementary to the Resolution relative to the claim of Hugh Keys, passed the third day of April, eighteen hundred and thirty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the words in said act "having a due regard to the provisions of the contract," shall not be so construed or understood as to confine the Canal Commissioners to a strict and exclusive regard to the contract, but that the same is meant and intended to be one of the items of evidence to guide them to a proper and just conclusion, and that the Canal Commissioners, as soon after the passage of this act as is convenient, shall proceed to examine and adjust the claims of Hugh Keys, on principles of justice and equity, only having regard to the provisions of the contract, so far as the same may assist them in a just and proper settlement.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the twentieth day of December, Anno Domini, one thousand eight hundred and thirty-seven.

JOS. RITNER.

No. 4.

An Act

To provide for the repairs and the expenses of the State Canal and Railroads, and continuing the work on the Erie extension and North Branch division of the Pennsylvania canal, and for other purposes.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be, and are hereby

appropriated to the objects hereinafter named, to wit: Towards the ordinary repairs of canals and railroads one hundred thousand dollars; towards the railroad line for avoiding the inclined plane at Columbia fifty-five thousand dollars; towards the repair of feeder dams fifteen thousand dollars; for renewing a part of the northern track of the Eastern division of the Columbia and Philadelphia Railroad fifty-nine thousand and sixty dollars; for ropes on the Columbia and Philadelphia Railroad, and for ropes, workshops, tools and implements on the Portage Railroad, twenty-six thousand two hundred and thirty-five dollars; for renewing locks on the main line of canal west of the Allegheny mountain seven thousand dollars; for deepening the upper level of the Eastern division, below Duncan's Island, five thousand dollars; for new work on old lines, pay of Canal Commissioners, Secretary, Appraisers, Engineers, &c. thirty thousand dollars; towards the Erie and North Branch extensions of the Pennsylvania Canal each one hundred thousand dollars; towards the Tangascootack extension of the West Branch canal ten thousand dollars; towards the construction of the Gettysburg Railroad, to be applied in payment of work actually done prior to the first day of January next, forty-five thousand dollars: and the Canal Commissioners are directed to give notice to the contractors to suspend their work upon the said Railroad, from and after the first of January next, which said several sums of money shall be paid out of any monies in the treasury not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the day of one thousand
eighty hundred and thirty.

—

We do hereby certify, that the bill entitled "An act to provide for the repairs and the expenses of the State Canal and Railroads, and continuing the work on the Erie extension and North Branch division of the Pennsylvania Canal, and for other purposes," was presented to the Governor on Tuesday the nineteenth day of December, one thousand eight hundred and thirty-seven, and was not returned within ten days (Sundays excepted) after it had been presented to him, nor within three days from the re-assembling of the Legislature after the temporary adjournment, to wit: from the twenty-first day of December one thousand eight hundred and thirty-seven, to the third day of January one thousand

eight hundred and thirty-eight. Wherefore it has, agreeably to the Constitution of this Commonwealth, become a law, in like manner as if he had signed it.

FR. R. SHUNK,

Clerk of the House of Representatives,

GEO. W. HAMERSLY,

Clerk of the Senate.

Harrisburg, January 9th, A. D., 1838.



No. 5.

An Act

For the relief of James Thomas and others, soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to James Thomas of Chester county, Jacob Conrad of Bucks county, William Moore of Lancaster county, Joseph Moorehead, John Leasure, Thomas Neel, John Brady, Samuel Henderson, and John Ewing of Indiana county, Killian Briney, George M'Williams, and Jacob Freeman of Westmoreland county, John Kirker of Jefferson county, and John M'Cullough of Butler county, soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight; the foregoing gratuities and pensions to be paid in conformity with the existing laws.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The eighteenth day of January, A. D. one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 6.

An Act

Authorizing the laying out of water lots, and the sale of the same, in the second section of the town of Erie.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Commissioner of sales for the lots in the town of Erie, be and is hereby authorized to lay out a row of water lots, in front of the several squares in the second section of the town, (leaving Front street not less than one hundred feet wide,) and extend the same to a suitable depth of water in the harbor, for the convenient access of shipping, and after giving thirty days public notice, in all the newspapers in the county of Erie, expose the said lots to sale by public outcry, at the court house in Erie, and sell the same separately to the highest and best bidders, adjourning sales from time to time until the lots are sold; one-fifth of the purchase money to be paid at the time of sale, and the balance in four equal annual instalments thereafter, with interest, to be computed and paid annually on the whole sum unpaid.

Commiss'rs.
to lay out
and sell wa-
ter lots in
Erie.

To make
titles to pur-
chasers.

SECTION 2. That the Commissioner of Sales be empowered, over his hand and seal, to make titles to the purchasers for said lots, and that before entering upon the duties enjoined by this act, he shall be required to give bond, with two sufficient sureties, to be approved by the judges of the court of Common Pleas of Erie county, in such sums as the court may direct, said bonds to be taken in the name of the commonwealth, and conditioned for the faithful performance of the duties of his office, as aforesaid, and also for the safe keeping and payment of the money arising from said sales as hereinafter required.

Money aris-
ing from
sale—how to
be appropri-
ated.

SECTION 3. That the money arising from the sale of said lots, be expended under the direction of three commissioners, to be appointed by the court aforesaid, at the next session after the passage of this act, and vacancies, if any occur, to be filled at the subsequent sessions of the court, the money to be appropriated and expended, from year to year, (after deducting the expense of laying out and selling,) in grading and improving the streets and public grounds of the said second section.

SECTION 4. That the compensation of said Commissioner of Sales, besides expense of surveying, shall be two and one half per cent. on the amount of sales, and that the three commissioners be empowered to appoint one or more persons to superintend, under the directions of said commissioners, said improvements, and be allowed by the same a reasonable compensation; and that the said three commissioners pay for the improvements by warrants drawn upon the said Commissioner of Sales.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-third day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 7.

An Act

Authorizing the Commissioners of Bedford county to borrow a sum of money, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Bedford are hereby authorized and empowered to borrow any sum or sums of money, not exceeding in the whole six thousand dollars, at any rate of interest not exceeding six per cent. per annum, in the name, and upon the faith, credit and responsibility of the said county, and to make such provision out of the taxes of the said county, from time to time, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal at such time and in such manner as may be conformable to the terms upon which the same may be taken.

SECTION 2. The president and managers of the Tioga Navigation company shall have power to borrow money on loan, to enable them to finish the works of the company, and to give mortgages, certificates, or other evidences and securities for the payment thereof, the same to be convertible or not convertible into stock, as may be deemed expedient.

Time of
commen-
cing & com-
pleting work
renewed or
extended.

SECTION 3. The terms of six years for commencing, and nine years for completing the work, according to the act incorporating said company, and the supplements thereto, are hereby renewed, and shall recommence from the date of the passage of this act.

Susquehan-
na Canal Co.
authorized to
borrow mon-
ey, &c.

SECTION 4. That the president and managers of the Susquehanna Canal company may borrow money for the purposes of the company, for such periods as they may deem necessary, and pledge or mortgage the works and property of the company for securing the payment of the principal and interest thereof, at the times and places which shall be agreed upon and stipulated for the payment of the same.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 8.

A Supplement

To the act entitled "An act to incorporate the Franklin Bank of Washington," passed the ninth of March, A. D., eighteen hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Franklin Bank of Washington shall be, and hereby is required to pay into the state treasury, as a bonus, five per centum on one hundred thousand dollars, and also five per cent. on such additional sums of the balance of the capital stock, as the president and directors may from time to time call in, within one year from the time such additional sums may respectively be called in, and the State Treasurer is hereby required to refund any monies said bank may have paid over and above five per centum on the aforesaid sum of one hundred thousand dollars, and all such provisions or parts of the act entitled "An act to incorporate the Franklin Bank of Washington," passed the ninth of March, one thousand eight hundred and thirty-six, and its supplements, to

which this act is in addition, as are inconsistent herewith, be, and the same are hereby repealed.

LEWIS DEWART,
Speaker of the House of Representatives,

J. R. BURDEN,
Speaker of the Senate.

APPROVED—The thirtieth day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 9.

An Act

Authorizing the sale of certain real estate late of Andrew Bayard, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That James Bayard and Charles P. Bayard, executors of the last will and testament of Andrew Bayard, late of the city of Philadelphia, deceased, or the survivor of them, be, and they hereby are authorized and empowered to sell and convey at public or private sale, all the estate, right, title and interest, which the said Andrew Bayard had at the time of his decease, in and to certain in-lots and out-lots in and near the town of Erie, in this state, the property of the Harrisburg and Presque Isle company, viz: In-lots, numbers two thousand and forty-eight, two thousand six hundred and forty-six, three thousand two hundred and ninety-two, and out-lots, numbers four hundred and eighteen, five hundred and nineteen, and any other lots in which the said Andrew Bayard was at the time of his decease interested as a member or proprietor of the said company; and the said executors shall pay and distribute the nett proceeds of the said sales, after deducting reasonable costs and expenses, according to the directions of the will of the said Andrew Bayard, and it shall be lawful for the said executors and the survivor of them, to sell and convey the said property by attorney or attorneys in fact, to

be by them, or the survivor of them, authorized and appointed, in writing.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The thirtieth day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 10.

An Act

To authorize the sale of certain real estate of Benjamin Johnson and Charles Augustus Kessler, deceased.

Preamble
relative to
the sale of
certain real
estate of B.
Johnson,
dec'd.

WHEREAS, the heirs of Benjamin Johnson, deceased, late of the township of Lower Dublin, in the county of Philadelphia, who are of full age, and the guardians of such as are minors, and the heirs of a certain Martha Rambo, of the same place, have agreed to compromise a certain action of ejectment now depending in the Supreme Court for the Eastern district of Pennsylvania, wherein the said heirs of Martha Rambo are plaintiffs, and seek to recover a certain tract of land and the buildings and appurtenances thereof, situate on the eastern side of the Bristol Turnpike road, and the northerly side of the Pennypack creek, containing thirty-six acres and one hundred and thirty-three perches, or thereabouts, by exposing the same to sale, and dividing the proceeds thereof between them: *And whereas*, the said tract has now been sold, and the purchaser is now ready and willing to pay for the same, but some of the heirs of the said Benjamin Johnson being minors, cannot execute a good and binding conveyance, and it is greatly for the advantage and benefit of the said minors, and of all the other parties, that the said tract of land should be sold, the purchase money paid, and the purchaser secured by a good and sufficient conveyance; Therefore,

Guardian of
the heirs of
B. Johnson,
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same.* That the guardian or guardians of the estates of the said minor child or children, heirs of the said Benjamin

Johnson, be, and he and they is and are hereby authorized and required to make and execute, or to join with the other heirs of the said Benjamin Johnson, in making and executing a good and sufficient conveyance, deed or assurance, of all the right, title, interest and estate of the said minor children in and to a certain tract of land, late in the tenure of Benjamin Johnson, situated as above described; and that upon the execution of the said conveyance, deed or assurance of the said premises, the purchaser thereof shall take and be invested with the same right, title, interest and estate as he would have taken and been invested with if the said minors were of full age, and being so, had executed of themselves the said deed and conveyance: *Provided however*, *Proviso.* That the said purchaser shall pay into the Orphans' Court, for the county of Philadelphia, such shares of the purchase money as shall be due to and for the said minors, and that the said court shall make all just and necessary orders for the investment of the same, for the use of the said minors by the said guardian.

SECTION 2. Catharine Kessler, guardian of Henry, Catharine and Fredericka Kessler, minor children of Charles Augustus Kessler, late of the borough of Reading, Berks county, deceased, be, and she is hereby authorized to sell and convey all the right, title and interest of the said Henry, Catharine and Fredericka Kessler, in a certain tract or piece of land known by the name of the Mineral Spring, situate in Alsace township, Berks county, aforesaid, containing about ten acres, whereof the said Charles Augustus Kessler died seized: *Provided however*, That the said Catharine Kessler shall, before exercising authority vested in her by this act, enter into recognizance, with sufficient security, under the direction of the Orphans' Court of said county, conditioned for the faithful disposition of all moneys arising from such sale, and for the faithful distribution thereof, according to the provisions contained in the will of the said Charles Augustus Kessler, deceased. *Proviso.*

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The thirtieth day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 11.

A Supplement

To an act entitled "An act authorizing the supervisors of East Huntingdon township, in Westmoreland county, to assess and collect certain taxes," passed the second of April, one thousand eight hundred and thirty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the township of East Huntingdon, in the county of Westmoreland, be, and they are hereby authorized and required, as soon as may be convenient after the passage of this act, to levy and assess an amount of tax on the said township, sufficient to pay the award and costs in a certain case in the Common Pleas of Westmoreland county, No. fifty-three, November term, one thousand eight hundred and thirty, Peter Pool vs. John Vance and David Kelgore, supervisors of East Huntingdon township, and to receive and apply the said tax to the payment of the said award and costs in the above case, and the said tax shall be levied, assessed and collected in all respects as other taxes are.

LEWIS DEWART,

Speaker of the House of Representatives,

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and thirty eight.

JOS. RITNER.



No. 12.

An Act

Granting aid to the Orphan Asylum society of Pittsburg and Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be required and authorized to pay to the president and managers of the

Orphan Asylum society of Pittsburg and Allegheny, the sum of one thousand dollars per annum, for the term of ten years, from the first day of January, Anno Domini, eighteen hundred and thirty-eight: *Provided*, That the said sum of one thousand dollars per annum, shall be paid out of the dividends on stock owned by the State in the Allegheny Bridge company.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 13.

An Act

To incorporate the President and Managers of the Doylestown and Willow Grove Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Fox, Eleazor T. M'Dowell, William Field, Stephen Brock, William M'Henry, John H. Anderson, Christian Fretz, John Mann, jr., Josiah Y. Shaw, Thomas Ross, Philip Trumbower, Jacob H. Rogers, John S. Grier, Benjamin Hough, jr., John L. Radcliff, Francis G. Lukens, David Riall, David Johnson, and William H. Long, of the county of Bucks, and James Paul, William Penrose, Jacob Markley, Jacob Kirk, George Rex, jr., Daniel Shelmire, John Jones, Charles Jarrett, Isaac Morris, Samuel E. Spencer, Charles Palmer, Jonathan Iredell, Peter Tyson, Charles Spencer, Joseph Hobensack, John R. Hallowell, George I. Mitchell, and Jacob Jarrett, of the county of Montgomery, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of June next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Doylestown and Willow Grove Turnpike Road company, the sum

To procure books.

Form of subscription for stock.

of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled An act to incorporate the president and managers of the Doylestown and Willow Grove Turnpike Road company." Witness our hands, the day of , in the year of our Lord one thousand eight hundred and thirty- , and thereupon shall give notice in two papers printed in the county of Bucks, and two in the county of Montgomery, for twenty-one days at least of the time and place when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until the said books shall have four hundred shares therein subscribed: and if at the expiration of the said three days the books aforesaid shall not have the said number of four hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to four hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed two hundred shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon it shall and may be lawful for the

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

Governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style, and title of "The President and Managers of the Doylestown and Willow Grove Turnpike Road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding, to them, their successors and assigns, and of selling, transferring, and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in four or more public papers, printed in the counties of Bucks and Montgomery, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, or of the United States, as shall be necessary for the well ordering the affairs of said company: *Provided* always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. The said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such

By-laws.

other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, order and regulations, made as aforesaid, and to do and perform any other corporate act.

Certificates of shares.

Seal.

Transfer.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferrable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Penalty for neglecting to pay instalments.

SECTION 6. If after thirty days notice, in four or more of the public newspapers printed in the counties of Bucks and Montgomery, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividends so called for, pay after the rate of five per cent. per month for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by the president and managers, or a majority of them, to any person or persons willing to purchase, for such price as can be obtained for the same.

Forfeiture.

Meetings.

Quorum.

Minutes.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in

a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, ^{Powers.} superintendents, and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and the manner and proportion in which the stockholders shall pay the monies due on their respective shares, in order to carry on the work, to draw orders on the treasurer for monies necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act, and the by-laws, rules, orders and regulations of the company, shall be committed to them.

SECTION 8. The said road shall be made in, over and upon the bed of the present Philadelphia and Easton stage road, from Doylestown to the stone bridge across the Neshamony creek, near Jones' tavern, in Bucks county, excepting where it may be found necessary for widening the said road, or to avoid a hill, and from thence, by the nearest and most practicable route, to intersect the Cheltenham and Willow Grove Turnpike Road, at Willow Grove, in Montgomery county, without regard to the present location. ^{Route.}

SECTION 9. The president and managers and company, ^{Dimensions,} shall cause a road to be laid out of not less than fifty feet, ^{materials, &} in such a manner as that the present buildings on said road ^{grade of road} be not injured, and at least twenty feet thereof to be made ^{&c.} an artificial road, bedded with wood, stone, gravel, or any other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever after, maintain and keep the same in good and perfect order, from Doylestown to Willow Grove, aforesaid; and the said president and managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 10. So soon as the said president, managers and company shall have perfected the said road from Doylestown

When view- the distance of two miles, and also when they shall have
 ers shall be completed the remainder of the distance to Willow Grove,
 appointed. they shall give notice thereof to the Governor of the Com-
 monwealth, who shall, thereupon, forthwith nominate and
 appoint three disinterested persons to view and examine the
 same, and report to him in writing, whether the said road is
 so far executed in a masterly and workmanlike manner,
 according to the true intent and meaning of this act; and if
 their report shall, in either case, be in the affirmative, then
 the Governor shall, by license under his hand and the lesser
 seal of the Commonwealth, permit and suffer the said presi-
 dent, managers and company to erect and fix so many gates
 and turnpikes upon and across the said road, as will be
 necessary and sufficient to collect the toll and duties hereinaf-
 ter granted to the said company, from all persons traveling on
 the same with horses, cattle, carts and carriages: *Provided*,
 That all persons attending funerals or places of worship,
 their horses and carriages, shall be exempt from the payment
 of tolls in going to and in returning therefrom.

License.

Proviso.

Toll gather-
ers.Rates of
tolls.

SECTION 11. When the said company is licensed in
 manner aforesaid, it shall and may be lawful for them to
 appoint such and so many toll gatherers as they shall think
 proper, to collect and receive of and from all and every
 person or persons using the said road, the tolls and rates
 hereinafter mentioned, and to stop any person riding, leading
 or driving any horses, cattle, hogs, sheep, coach, coachee,
 sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled,
 or any other carriage of burden or pleasure, from passing
 through the said turnpikes, until they shall respectively
 have paid the same, that is to say: for every five miles in
 length of the said road, completed and licensed as aforesaid,
 the following sums of money, and so in proportion for any
 lesser distance, or for any greater or lesser number of sheep,
 hogs or cattle, to wit: for every score of hogs six cents; for
 every score of sheep six cents; for every score of cattle twelve
 cents; for every horse and his rider or led horse three cents;
 for every sulkey, chair or chaise with one horse and two
 wheels six cents, and with two horses nine cents; for every
 chariot, coach, phaeton or dearborn with one horse and four
 wheels eight cents; for every chariot, coach, phaeton or
 chaise with two horses and four wheels twelve cents; for
 either of the carriages last mentioned with four horses
 twenty cents; for every other carriage of pleasure, under
 whatever name it may go, the like sums, according to the
 number of wheels and horses drawing the same; for every
 stage-wagon with two horses twelve cents, and for every
 such wagon with four horses twenty cents; for every sleigh,

three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and shall not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall repre-
 sent to the said company, or any of their officers, that he, or she or they, have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherers shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Penalty for defrauding company.

Penalty for exacting illegal toll.

SECTION 12. All such carriages, as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Relative to rates for horses, mules and oxen.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order, for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within

Mode of proceeding against the Co. when the road is in bad order, &c.

the said county; and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair, as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways, for neglect of their duty, and if the person or persons entrusted by the said company, as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment, according to the nature and aggravation of the neglect, as, according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for
evading the
payment of
toll.

SECTION 14. If any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage-way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected in

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by laws, to increase the number of shares

to such an extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies subscribed for such shares, in like manner and like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Dividends.

SECTION 16. The said president, managers and company shall also keep a just and true account of all and every of the monies received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the Common School fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall, on the first Monday in November and May, in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Mile stones.

SECTION 17. The said company shall cause mile stones to be placed on the side of the said road, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile, on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said mile stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places aforesaid, or shall without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of, the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person, being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts of like amount

**Penalty for
defacing
mile stones,
&c.**

are by law recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

SECTION 18. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage as will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of like amount are by law recoverable, and no wagoner or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half to the use of the said company, and the other half to the use of the informant.

SECTION 19. If the said company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within three years afterwards complete the said road, according to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this Commonwealth.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 14.

An Act

Remunerating Lewis Williams and others, for expenses incurred in pursuing and arresting certain fugitives from justice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby directed to pay to Lewis Williams, of the borough of Harrisburg, the sum of eighty dollars, and to William Markward and Nathaniel Henrie, of the same place, the sum of fifty dollars each, in full for the expenses incurred by them respectively, in arresting and bringing to trial certain fugitives from justice.

SECTION 2. The State Treasurer is hereby directed to pay to G. W. Russ, of Huntingdon county, or his attorney, the expenses actually incurred by him, in arresting or assisting to arrest John Lupton and George Morton, certain fugitives from justice, upon the presentation of his account, duly proved to the satisfaction of the Treasurer aforesaid, and according to law.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 15.

An Act

To authorize the Directors of the Poor and of the House of Employment of the county of York, to sell certain real estate, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the directors of the poor and of the house of employment of the county of York, and their successors in office, shall have power, and are hereby authorized and empowered, to sell and convey a certain tract of land, situate in York township, in the county of York, and Commonwealth of Pennsylvania, bounded by lands of Jonathan Jessup, F. Eichelberger, Peter Peters, Samuel Fry, and others, containing nine acres and sixty perches, strict measure, being the same tract of land which Barbara Morris, Charles A. Morris, Cassandra Morris, George S. Morris, John G. Morris, and Eliza H. Morris, by their indenture-bearing date the nineteenth day of March, one thousand*

Directors of the poor of York Co. authorized to sell certain real estate.

eight hundred and thirty-six, conveyed to the directors of the poor and of the house of employment of the county of York, and that after the sale is made by the said directors of the poor and of the house of employment of the county of York, that the said directors are hereby directed to expend the proceeds of the said sale in payment of any debts due by the said directors of the poor and of the house of employment of the county of York.

SECTION 2. That David M. Fort and Glorvina his wife, Admr'x. of late Glorvina Mullowny, administratrix with the will annex- J. Mullowny ed, of the estate of John Mullowny, late of the county of authorized to Montgomery, deceased, be and they are hereby authorized to sell certain to sell at public sale, due and timely notice of the time and real estate. place being first given in one newspaper in Montgomery county, and in one paper in the city of Philadelphia, all those certain four lots of ground situate in the city of Philadelphia, north side of Locust street, and extending therefrom about ninety-eight feet, to the court commonly called Mullowny Court, east eighteen feet front, as mentioned and described in the will of the said deceased, and to make good and sufficient deeds to the purchasers for the same: *Provided*, That the sales to be made in pursuance of this Proviso act, shall be reported to and approved by the Orphans' Court of Montgomery county: *And provided further*, That 2d Proviso. the said David M. Fort and Glorvina his wife, shall enter into bond or recognizance, with such security as the said Orphans' Court shall direct, for the faithful discharge of their duty, and the proper application of the money arising from the said sales.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 16.

An Act

Authorizing the construction of a Canal through Windmill Island, and the improvement of the navigation of the Delaware river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the Camden and Philadelphia Steamboat Ferry company, and the said company is hereby authorized and empowered, to improve the navigation between the states of Pennsylvania and New Jersey, by cutting through the island in the Delaware river, opposite the city of Philadelphia, and constructing a passage for the navigation of steamboats and vessels, of such dimensions and draught of water as the said company shall deem most beneficial to the interests of the people of the said states: *Provided,* the said company shall not take exceeding six hundred feet in width of marsh or flats of the said island, for the purpose of constructing the said passage, and shall construct the same opposite the ferry property belonging to the said company, in the cities of Philadelphia and Camden, and the said passage, when completed and made navigable, shall be a public highway, subject to the tolls and regulations hereinafter mentioned.

SECTION 2. The county board of Philadelphia may, at any time after the completion of the said canal, pay to the said company the sum expended by them in the purchase of materials, and in the construction thereof, and the county board aforesaid, may, at any time thereafter, declare the same a public highway, or assess such tolls on steamboats, scows or other vessels passing through the same, as may be necessary to keep the canal in good order and repair, and may at all times fix the rate of tolls to be charged by said company, which said tolls may be sued for in any court of record of the city and county of Philadelphia, having jurisdiction thereof, or the said company may seize and detain such steamboats, scows or other vessels, until the toll shall be fully paid, and all boats, vessels and craft navigating the said passage, shall conform to the regulations of the said company: *Provided,* That a full and detailed account of the cost of the said work, under the oath or affirmation of the president or treasurer of the company, shall be filed in the office of the county commissioners, within sixty days after the canal shall be opened for navigation, which account shall be conclusive against the company as to the price to be paid for the said work, but may be traversed by the city upon showing evidence of any inaccuracy therein.

SECTION 3. Whenever it shall be necessary for the president and managers of the said company to enter in, and upon, and occupy for the purpose of making said canal, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for an injury, or supposed injury, that

may be done to such land by such entry and occupation, in such case, the said president, managers and company may, at all events, enter upon, occupy and use such lands for the purposes aforesaid, and then and thereafter it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damage, who shall, under oath or affirmation, fairly and impartially estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said ferry company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any in their apprehension will be sustained as aforesaid, by reason of said canal, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon of the same force and effect as judgment upon common debts, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said canal: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury or exemption: *Provided*, That the said company shall not at any time charge a greater amount of ferriage

Amount
of ferriage
and rates.

for crossing the Delaware river than is allowed by their present act of incorporation, granted by the state of New Jersey, to wit, for nine months in every year, as follows: for each passenger five cents; single passenger in wherries ten cents; for marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel one cent; all articles having contained marketing to return free if empty, otherwise to pay the usual rates; for a two horse load, with or without the carriage, not otherwise rated, twenty-five cents; a barrel of salt, plaister, flour, sugar, liquor, &c., eight cents; a hogshead of liquor, sugar, molasses, lime, &c., twenty-five cents; stove of cast iron, of six or more plates, ten cents; salt, plaister, grain, clover and other grass seeds, per bushel two cents; flour, beef, pork, iron, &c., per hundred weight three cents; coffee per bag, chests, large trunks, &c., five cents; soap, candles, glass, chocolate, &c., per box three cents; windsor chairs per dozen, bureau, bedstead, clock case, &c., ten cents; lumber per hundred feet ten cents; live calves and fat hogs per head five cents; sheep and store hogs per head three cents; fat cattle twenty-five cents; cow and calf twenty cents; store cattle, horses and mules, &c., fifteen cents; sideboard twenty cents; desks and secretaries, &c., fifteen cents; tables, stands, feather beds, mattresses, large chest of tea five cents; crate or tierce of earthenware, hamper of bottles fifteen cents; fresh shad per hundred or herring per thousand twenty cents; every four wheel carriage drawn by four horses sixty cents; every four wheel carriage drawn by two horses thirty cents; every two wheel carriage drawn by two horses twenty-five cents; every four wheel carriage drawn by one horse twenty-five cents; every two wheel carriage drawn by one horse twenty cents; market carriages with their drivers, including fish wagons, going to or returning from market, with four wheels drawn by two horses, thirty cents; four wheels drawn by one horse twenty cents; all passengers in carriages, except the driver, to pay the same as other passengers; carriages of burden, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads thirty-five cents; unloaded twenty-five cents; one horse load twenty-five cents; unloaded twenty cents; for carrying hay, straw, hemp, flax and other bulky articles, two horse load fifty cents; unloaded thirty cents; one horse load forty cents; unloaded twenty cents; each additional horse or mule fifteen cents; bricks on carriages ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free; charity schools with their teachers to pass free; the above rates to be taken spring, summer and fall, and the rates of ferriage

and freight, shall not at any time exceed double those rates, and all persons who desire it shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows: not exceeding the sum of one dollar per quarter for each passenger; and it shall not be lawful for said company, nor any other company, partnership or individual navigating or using said canal with steamboat, scow or other ferry boat, to charge or receive for persons or freight, any greater amount or higher rates of ferriage, and for any and every violation of this provision, the party or parties so offending shall forfeit and pay not less than two nor more than five dollars, to be recovered by the party or parties aggrieved, before any alderman or other magistrate, in like manner as debts under one hundred dollars are by law recoverable. Penalty for charging illegal tolls.

SECTION 4. That if any person shall wilfully or maliciously injure any of the works belonging to the said company, and appertaining to the said passage, or shall hinder, molest, or disturb the said company, or the public, in the full and quiet use and enjoyment of the said passage, or shall wilfully obstruct the same, all and every person or persons so offending, shall forfeit and pay to the said company a sum not exceeding two hundred dollars, with costs of suit, to be sued for and recovered in any court of record having jurisdiction thereof. Penalty for injuring or obstructing the passage of the Co's. works.

SECTION 5. That nothing herein contained shall be taken or construed to affect or impair any rights or authorities heretofore given to the wardens of the port of Philadelphia. Rights of the Wardens.

SECTION 6. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation. Rights granted may be resumed.

SECTION 7. That it shall and may be lawful for the select and common councils of the city of Philadelphia, or such persons as they may authorize or appoint, to construct or cause to be constructed such piers, wharves or other contrivances, at or near the northern end of said Windmill Island, as they may deem expedient to protect, deepen, or enlarge the present natural channel or passage between the northern end of said island and the sand bar immediately above the same: *Provided*, That if it become necessary for the purposes aforesaid, to enter upon or occupy the property of individuals, the same proceedings shall be had, and the same liabilities incurred by the parties therein concerned, as are prescribed and set forth in the third section of this act: *And provided further*, That if any person shall wilfully or maliciously injure or destroy any of the wharves, piers, or other Select and Common Councils of Philad'a. authorized to construct piers, wharves, &c Proviso. 2d Proviso.

contrivances, or shall obstruct or endanger the free use of the natural channel or passage aforesaid, the party so offending shall be proceeded against on the part of the said city of Philadelphia, in the same manner, and shall be subject to the same penalties, for the use of said city, as are prescribed and set forth in the fourth section of this act.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the fourteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 17.

An Act

To authorize the Governor to incorporate a company to erect a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Benjamin Halbert, Jacob Bonnell, Abraham Shimer, Charles B. Ridgway, Moses Brink, Samuel Darling, Jonathan Rosencrans, William R. Halbert, Joseph Atkinson, Otto Kimble, and Rodolphus Bingham, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of January next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: “We whose names are hereunto subscribed, do promise to pay to the President, Managers and company for erecting a Bridge over the Lackawaxen river, at or near its mouth, in the county of Pike, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled An act to authorize the Governor to incorporate a company to erect a bridge over the Lackawaxen river, at or near its mouth, in the county of Pike.”

Comm'rs.

To procure books.

Form of subscription.

Witness our hands, the day of , one thousand eight hundred and , and shall thereupon give notice in one or more newspapers printed in the county of Wayne, at least one month, of the time and place where the said books shall be open to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day whereof notice as aforesaid shall have been given, or until the said books shall have subscribed 500 shares. therein five hundred shares, and the said commissioners may adjourn from time to time, until the whole number of shares aforesaid shall be subscribed.

SECTION 2. When twenty or more persons shall have subscribed one hundred and fifty shares, the said commissioners, or a majority of them, shall certify under their hands and seals to the Governor, the names of the subscribers and the number of shares subscribed by each, whereupon it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also those who may thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style, and title of The Lackawaxen Bridge company, and by the said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner as they may think proper, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments, real and personal, as shall be necessary to them in the prosecution of their work, and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The first five named persons in the letters patent shall, as soon as conveniently may be after the seal. Organization of the same, give notice in one or more newspapers printed in the county of Wayne, of a time and place by them to be appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers and one treasurer, to conduct the business of

said company for one year, and from thence until the next annual election, and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as shall be necessary for the

Proviso.

Ratio of
votes.

well ordering of the affairs of the company; *Provided*, That the number of votes each stockholder shall be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, two votes; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*,

2d. Proviso.

That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him

3d. Proviso.

or her subscribed: *And provided further*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election.

Annual election.

SECTION 4. The stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first chosen.

Quorum.

SECTION 5. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes

of all their proceedings fairly entered in a book to be kept Minutes. for that purpose, and shall have full power and authority to Power. agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary to erect the said bridge, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares, in order to carry on their work, to draw orders on the treasury for all debts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them.

SECTION 6. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers, printed in the county of Wayne, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid. Penalty for neglecting to pay instalments.

SECTION 7. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers, and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages, and beasts of draught and burden, to enter in and upon the lands and shores of the river contiguous thereto, and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth, or other material, necessary or suitable for the building of said bridge, and keeping the same in repair: *Provided*, That in case of disagreement with the owners about the value of said materials, any justice of the peace of Pike county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose President & managers may enter upon lands. Proviso.

decision, or a majority of them, shall be final and conclusive, and binding upon the parties, upon tender of the amount so awarded.

SECTION 8. When the said bridge is completed as aforesaid, the property of said bridge and its appendages shall be vested in the said company as aforesaid, and their successors forever ; and it shall and may be lawful for said company and their successors, to erect a gate or gates, and such other buildings as they may deem necessary, for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, to wit : for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents ; for every carriage having two wheels, for each horse drawing the same seven and a half cents ; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents ; for every dearborn wagon drawn by one horse twelve and a half cents ; for every chaise or ether two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents ; for every sleigh or sled, for each horse drawing the same ten cents ; for every horse, mare or gelding, with or without a rider, six cents ; for every carriage drawn by oxen, or partly by oxen, and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse ; for every score of sheep or swine twenty cents ; for every head of cattle three cents ; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twenty-five head on the said bridge at the same time ; and for every person on foot three cents : *Provided*, That any persons attending funerals, any military company, or detachment of this state, or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training, authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll : *And provided further*, That if any person or persons shall willfully ride, drive or lead any horse or other animal faster than a walk when crossing said bridge, he, she or they so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of the company, as fines of like amount are by law recoverable.

SECTION 9. If any gate keeper for said company shall demand and collect any greater rates or prices for passing

Tolls.

Proviso.

2d. Proviso.

over said bridge, than what is hereinbefore authorized, he, Penalty for she, or they so offending, shall for every such offence forfeit demanding and pay the sum of ten dollars, to be recovered for the use and collect- of the party aggrieved, as fines of the same amount are by ing illegal law recoverable: *Provided*, That such suit or action be toll. brought within twenty days after the offence shall have been committed.

SECTION 10. The said president, managers and company, Dividends. shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received Annual ab- during that period, together with an account of all incidental counts. charges, and if it shall then appear from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the whole of the capital stock so expended, then, and in that case, it shall be lawful for said president, managers and com- Tolls to be pany, to increase the tolls herein allowed, so much as will increased or raise the dividend to ten per centum per annum, and at the diminished end of every two years thereafter, they shall render to the according to the profits. general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

SECTION 11. If said company shall not proceed to carry Time of com- on the work in three years after the passage of this act, or mencing and shall not, within five years thereafter, complete the same, completing in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert the work. to this commonwealth.

SECTION 12. If at any time hereafter, the counties of Wayne or Pike, the state of Pennsylvania, or any incor- Mode of pur- porated town in the state, shall think proper to purchase the purchasing and said bridge, for the purpose of making it a free bridge, the making the said company shall be obliged to sell the said bridge for such bridge free. sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in either of the above mentioned counties, may adjudge the same to be worth, and estimating the clear amount of tolls at six per cent. per annum on the original cost of said bridge.

SECTION 13. It shall be lawful for the Bethany and Ding- Bethany and Ding- man's Choice Turnpike road company to change the location Choice turn- of said road, between the town of Bethany and Dingman's pike Co.

ferry, in such manner as will best accommodate the public.

Clarksville
and Hones-
dale turn-
pike. Parts
of act of Feb.
1st, 1834,
revived.

SECTION 14. That an act entitled An act to enable the Governor to incorporate a company to make a turnpike road from Bethany, to intersect the Clarksville and Honesdale Turnpike road, near Benjamin Jenkins, in Canaan township, approved the first day of February, one thousand eight hundred and thirty-four, except so much of the same as may be inconsistent with the provisions of this act, be, and the same is hereby revived and declared to be and remain in full force and virtue, and to be to all intents and purposes as good and valid as if the same were at large re-enacted, and all proceedings heretofore had in pursuance of the said act, are hereby declared to be as valid and binding as they would have been had the work on said road been commenced within the time limited therefor.

10 years al-
lowed to com-
plete road. SECTION 15. That the said company be, and they are hereby allowed ten years from and after the passage of this act, to make and complete the said road.

Time of com-
mencing the
Pike co. and
Port Jarvis
Bridge Co.
extended. SECTION 16. That the time fixed by the act passed the first day of April, Anno Domini, one thousand eight hundred and thirty-six, incorporating the Pike county Port Jarvis Bridge company, to commence said bridge, is hereby extended to three years from the passage of this act, and the time for the completion of said bridge extended four years from the passage of this act.

SECTION 17. It shall not be lawful for the president and managers of said company, in their corporate capacity, to issue bills of credit or notes, in the shape of bank notes, or to have any of the usual banking privileges.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the twentieth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 18.

An Act

For the relief of Samuel Bittle, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of*

Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer is hereby authorized and required to pay to Samuel Bittle of Montgomery county, John Lindsay of Delaware county, soldiers of the revolutionary war, James Ewing of Indiana county, a soldier of the Indian war, and to Maria Mell of Berks county, the widow of a soldier of the revolutionary war, or to their respective orders, forty dollars each immediately, as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight. Gratuities & annuities to S. Bittle and others.

SECTION 2. That the State Treasurer be required to pay Gratuity and to Jacob Ulrich of Berks county, in trust for the use and benefit of John Keller of Berks county, a soldier of the revolutionary war, forty dollars immediately as a gratuity, and an annuity of forty dollars annually, during the life of the said John Keller, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight, and should the said Jacob Ulrich decline to accept the trust as aforesaid, or die before the said John Keller, then the Orphans' Court of the county of Berks is hereby authorized and empowered to appoint some other person or persons trustee or trustees, to receive the said pension, and apply the same to the maintenance and support of the said John Keller.

SECTION 3. That the State Treasurer be and he is hereby authorized and required to pay to James Crawford of Mercer county, Joseph M'Kinzey of Beaver county, Mary Savell and Elizabeth Barnard of Philadelphia county, Sarah Gettemy and Eleanor Hagerman of Westmoreland county, William Marshall of Washington county, James Hawk of Fayette county, Jane Little and George Rihn of Allegheny county, and John Glantz of Centre county, soldiers and widows of soldiers of the revolutionary and Indian wars, or to their respective orders, forty dollars each immediately, as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, to commence on the first day January, one thousand eight hundred and thirty-eight. Gratuities & annuities to J. Crawford and others.

SECTION 4. The State Treasurer is hereby authorized and required to pay to Jonathan Ayres of the borough of Indiana, in trust for the use and benefit of John M'Gara of Indiana county, a soldier of the Indian war, forty dollars immediately as a gratuity, and forty dollars annually, during the life of the said John M'Gara, payable half yearly, to commence on the Gratuity and annuity for J. M'Gara.

first day of January, one thousand eight hundred and thirty-eight; and should the said Jonathan Ayres decline to accept the trust as aforesaid, or die before the said John M'Gara, then the Orphans' Court of Indiana county is hereby authorized and empowered to appoint some other person or persons trustee or trustees to receive the said pension, and apply the same to the maintenance and support of the said John M'Gara.

Gratuity to J. Unangst. SECTION 5. The State Treasurer is hereby authorized and required to pay to Jacob Unangst of Northampton county, a soldier of the revolutionary war, forty dollars immediately as a gratuity, in full for his military services.

Repeal of part of act of 9th Feb. '37. SECTION 6. That so much of the second section of the act entitled "An act for the relief of William Hall and others, soldiers and widows of soldiers of the revolutionary war," passed the ninth day of February, one thousand eight hundred and thirty-seven, as relates to the granting of a gratuity of forty dollars to John Unangst of Northampton county, be and the same is hereby repealed.

Gratuity and annuity to H. Stetzer. SECTION 7. The State Treasurer is hereby authorized and required to pay to Henry Stetzer of Mifflin county, a soldier of the revolutionary war, or to his order, eighty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and thirty-eight, and so much of the second section of the act entitled "An act for the relief of George Keller and others, soldiers and widows of soldiers of the revolutionary and Indian wars," passed the fourth day of April, one thousand eight hundred and thirty-seven, as authorizes the payment of any money to George Stetzer, shall be and the same is hereby repealed; the said gratuities and pensions to be paid in conformity with the existing laws.

Repeal of part of act of 4th April, 1837.

Gratuities & annuities to W. Cotton and others. SECTION 8. That the State Treasurer is hereby authorized and required to pay to William Cotton of Fayette county, Samuel Peebles of Allegheny county, John Harbeson, John Campbell, David Louther, Robert Pain, Robert Williams and Margaret Johnston of Westmoreland county, Andrew Dougherty, Robert Patrick, and Andrew Craft of Armstrong county, Joseph Dickson of Crawford county, Alexander Campbell of Butler county, William Nicholas of Mercer county, and Jacob Stoneking of Greene county, soldiers and widows of soldiers of the revolutionary and Indian wars, or to their respective orders, forty dollars each immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight; the foregoing gratuities

and pensions to be paid in conformity with the existing laws.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The twenty-first day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 19.

An Act

To authorize the Governor to incorporate a company to erect a bridge over the Conemaugh river, at or near Centreville, in the county of Indiana, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Paul Clark, John Caldwell, Robert Peoples, William Graham, John Moorhead,^a John Cavode, ed. William Smith, S. P. Cummins, Noah Mendell, Johnson Miller, John M'Farland, James M'Kelvey, George Clark, John Ogden, Francis Little, Cheuncy Rice, Robert Brown, (river,) Andrew Graham, Charles Ramsey, Andrew Graham, jr., William Matthews, James Horrell, William Huston, James Trimble, Jacob D. Mathiot, James Kenann, Abraham Horback, Hugh Y. Brady, A. G. Merchand, H. D. Forster, John Clark, and Alexander Johnston, of Westmoreland county, and John Brandon, William Ligate, Robert Given, John Huey, James Eliot, Esq., Thomas Stewart, Richard B. M'Cabe, James Clarke, Samuel M'Anulty, Stewart Steel, Daniel Stanard, Jonathan Ayres, Robert Nixon, Samuel Wallace, George Hill, Samuel Meanor, William Rankin, and William Hice, of Indiana county, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say: they shall, on To procure or before the first day of January next, procure one or more books. books for taking subscriptions of stock, and shall write therein as follows: "We whose names are hereunto subscribed do promise to pay to the President Managers and Company for erecting a bridge over the Conemaugh river, at stock.

or near Centreville, in the county of Indiana and Westmoreland, the sum of ten dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such times as may be determined by the president and managers, in pursuance of an act of assembly, entitled "An act to authorize the Governor to incorporate a company to erect a Bridge over the Cone-maugh river, at Centreville, in the county of Indiana."

Witness our hands the day of one thousand eight hundred and ;" and shall thereupon give notice, in one or more newspapers printed in the county of Westmoreland and Indiana, for at least one month, of the time and place where the said books shall be opened, to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said

No. of shares books shall have subscribed therein twelve hundred shares, and the said commissioners may adjourn from time to time until the whole number of shares aforesaid shall be subscribed:

Proviso.

Provided always, That every person on entering his name in the said books as a subscriber, shall pay two dollars per share on each share he shall subscribe, out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed.

Letters patent.

SECTION 2. When twenty or more persons shall have subscribed six hundred shares, the said commissioners, or a majority of them, shall certify under their hands and seal to the Governor the names of the subscribers, and the number of shares subscribed by each, whereupon it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also those who may thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style and title

Name, style, and title.

of "The Westmoreland and Indiana Bridge company," and by the said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner as they may think proper, and of purchasing, taking, and holding, to them, and their successors and

assigns, and of selling, and transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments, real and personal, as shall be necessary to them in the prosecution of their work, and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The five first named persons in the letters Organizat'n. patent shall, as soon as conveniently may be after the sealing of the same, give notice in two or more newspapers, printed in the county of Westmoreland and Indiana, of a time and place by them to be appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers, and one treasurer, to conduct the business of said company for one year, and from thence until the next annual election, and in case of the death, Vacancies. removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may Seal. make and have one common seal, and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this state, as shall be necessary for the well ordering of the affairs of the company : *Provided*, That the number of votes each stockholder shall Proviso. be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares one vote; for every Ratio of two shares above two and not exceeding ten shares one vote; votes for every four shares above ten and not exceeding thirty one vote; for every ten shares above thirty and not exceeding one hundred one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person : 2d Proviso. *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act and at all

- subsequent elections of said company, no person shall be permitted to vote, unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.
- 3d Proviso. **SECTION 4.** The stockholders shall meet on the first Monday of May, in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and the determination of any question affecting the interests of said company.
- Annual election. **SECTION 5.** The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, five dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney, duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payments due or that may grow due thereon, and the persons to whom such transfers shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.
- Certificate **SECTION 6.** The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons as they may think necessary to erect the said bridge and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares in order to carry on their work, to draw orders on the treasurer for all debts that may be contracted by them, which orders shall be signed by the president and attested by the secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of said company may be entrusted to them.
- Transferable. **SECTION 7.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers
- Quorum. **SECTION 8.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers
- Minutes. **SECTION 9.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers
- Powers. **SECTION 10.** If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers

printed in the county of Westmoreland and Indiana, Penalty for of the time and place of payment of any instalment of the neglecting said capital stock, shall neglect to pay such instalment at the to pay instal- place appointed, for the space of sixty days after the time inments. appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may, at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

SECTION 8. It shall and may be lawful for the said presi- Authority to dent and managers, by and with their superintendents, enter upon engineers, and persons with whom they may contract for the lands and erection of the whole or any part of said bridge, their artists, shores of the workmen and laborers, with tools and instruments, carts, river for ma- wagons, boats, and other carriages and beasts of draught and terials. burden, to enter in and upon the lands and shores of the river contiguous thereto, and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth or other material, necessary or suitable for the building of said bridge and keeping the same in repair: *Provided*, That in case of disagreement with *Proviso*. the owners about the value of said materials, any justice of the peace of Westmoreland and Indiana counties, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose decision, or a majority of them, shall be final and conclusive, and binding upon the parties, upon tender of the amount so awarded.

SECTION 9. When the said bridge is completed as afore- Rate of tolls said, the property of said bridge and its appendages shall be vested in the said company as aforesaid, and their successors, forever, and it shall and may be lawful for said company and their successors to erect a gate or gates, and such other buildings as they may deem necessary for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, to wit: for every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description,

used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents; for every dearborn wagon drawn by one horse twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten cents; for every horse, mare or gelding, with or without a rider, ten cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine twenty cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horses or cattle to lead or drive more than twelve head on the said bridge at the same time: *Provided*, That any person

Proviso.

attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending schools or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That if any person or persons shall wilfully ride, drive, or lead any horse or other animal faster than a walk when crossing said bridge, he she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines of like amount are by law recoverable.

2d Proviso.

Penalty for
demanding
unlawful toll

SECTION 10. If any gate keeper of said company shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the party aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Proviso.

Dividends.

SECTION 11. The said president, managers and company, shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges, and if it shall then appear from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the

whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company, to increase the tolls herein allowed so much as will raise the dividend to ten per centum per annum, and at the end of every two years thereafter, they shall render to the general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as to limit the clear profit to ten per centum per annum.

SECTION 12. If at any time hereafter the counties of Westmoreland and Indiana, or either of them, the state of Pennsylvania, or any incorporated town in the state, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in either of the above mentioned counties, may adjudge the same to be worth, estimating the tolls at six per cent. per annum on the cost of construction.

SECTION 13. If said company shall not proceed to carry on the work in three years after the passage of this act, or shall not within five years thereafter complete the same, according to the true intent and meaning thereof, then and in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 14. That Prime street, from Broad street to Gray's Ferry road, in the county of Philadelphia, be and the same is hereby laid out of the width and in the same direction that it now is opened from Eleventh street to Broad street; and it shall be the duty of the commissioners of the said county, forthwith to open or cause to be opened, the street aforesaid, the damages accruing therefrom to be assessed and paid in the usual manner, except that one-third of the expense arising from the increased width of said Prime street, shall be paid by the Philadelphia, Wilmington and Baltimore Railroad company, and the said company are hereby authorized to lay a double track of rails on the centre of the said street, immediately after the passage of this act, and on no other street running parallel therewith; and the company aforesaid, are hereby required to grade the said Prime street, from Broad street to Gray's Ferry road, for ordinary traveling and use.

SECTION 15. That an act passed on the twenty-sixth day of March, eighteen hundred and fourteen, entitled 'An act to incorporate the York Haven company,' is hereby revived, revived.

The bridge may be purchased for the purpose of making it free.

Time of commencing & completing work

Princcstreet to be laid out from Broad st. to Gray's Ferry, Phil. Co.

Phila., Wil-
mington and
Baltimore
R. R. Co. to
pay part of
expense, &c.

Act incorpo-
rating York
Haven Co.

and all the rights and privileges of the same are hereby vested in William Gwynn, Sheppard C. Leakin, George Winchester, and Maria Winchester, John Glenn, Robert Barry, Kensey Johns, William H. Freeman, and Thomas C. Hambly, their associates and assigns, according to their respective interest therein, who shall be and are hereby empowered, out of their number to choose a president and five directors, to conduct the business of said company, who shall hold their offices for the space of one year from the day of their election, at which time a new election shall take place, when all persons holding any certificates of stock, (which the parties named in this act are hereby authorized to issue,) shall be entitled to one vote for each share of stock; at and after which day, the said company shall be governed by the provisions of the act which is hereby revived, in the same manner as if it had never expired.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 20.

A Supplement

To the act entitled "An act authorizing the Governor to incorporate the Lizard Creek, Lehigh and Loyalhanna Bridge companies, and for other purposes," and for extending the time for commencing and completing the Susquehanna and Delaware Canal and Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement as authorizes the Governor to incorporate a company for erecting a bridge over the river Lehigh, above Lizard creek, be and the same is hereby revived and re-enacted, and the said company is hereby allowed the further period of three years from the passing of this act, for commencing and completing the said bridge, any thing in the said act contained to the contrary notwithstanding.

Time for
erecting
bridge over
Lehigh ex-
tended.

SECTION 2. Stephen Balliet, Esquire, is hereby appointed S. Balliet one of the commissioners to carry the said act into effect, in commiss'r. place of George Kelchner, deceased.

SECTION 3. The time limited by the act of the third of Time for April, one thousand eight hundred and twenty-six, and the commencing provisions of the first and second sections of the supplement and complethereto, passed April fifteenth, one thousand eight hundred and twenty-eight, incorporating the Susquehanna and Delaware Canal and Railroad company, for commencing said Delaware Canal and Railroad extended. passage of this act, and the time for completing the same to six years from the passage of this act.

LEWIS DEWART,

Speaker of the House of Representatives;

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 21.

A Supplement

To an act entitled "An act to incorporate the Academy of Natural Sciences of Philadelphia," passed the twenty-fourth day of March, eighteen hundred and seventeen.

WHEREAS, information has been received that William M'Clure, a citizen of the United States of America, now resident in the city of Mexico, intends to bequeath and devise a large estate to the Academy of Natural Sciences of Philadelphia, for the purpose of diffusing useful knowledge among the working men of the state of Pennsylvania, in the manner to be set forth and stated in his last will and testament: Therefore

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the President, Directors and Company of the Academy of Natural Sciences of Philadelphia, and their successors, be and they are hereby authorized and empowered to accept, take, receive and hold, all gifts, grants, devises and bequests of real or personal property, for the purpose of diffusing useful knowledge among the people of

the state of Pennsylvania, and to accept, take and execute, either as executors or otherwise, all leases and trusts of any and every description, which may be committed or transferred to them by any person or persons whatever, bodies politic or corporate, for the purpose aforesaid.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The second day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 22.

A Supplement

To the several acts of Assembly in relation to the survey of the townships of Penn and the unincorporated Northern Liberties, in the county of Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners appointed by law for completing the survey of the townships of Penn and the unincorporated Northern Liberties, in the county of Philadelphia, together with the surveyor or surveyors by them appointed, or to be appointed, be and they are hereby authorized and empowered, from time to time, as they shall see proper, to execute and perform the duties and power in the several acts of Assembly, in relation to the said surveys, enjoined and conferred in such section or sections, and to such extent as to them shall seem convenient and necessary, and the plans or drafts of any such section or sections being made and returned to the court of Quarter Sessions, shall be proceeded with in all respects as is enjoined by the several acts to which this act is a supplement, and when duly confirmed by the said court, shall have the same force and effect as if one general plan or draught had been made, returned and confirmed.

Survey of
townships of
Penn & the
unincorporated
North'n.
Liberties in
Phila. Co.

Survey of
township of
Moyamensing.

SECTION 2. That the survey made, or to be made, of a certain portion of the township of Moyamensing, in the county of Philadelphia, in conformity with the provisions of

a certain act, passed the thirteenth day of April, Anno Domini, eighteen hundred and thirty-five, regulating the same, be and the same is hereby confirmed and ordered to be made, and the treasurer of the county aforesaid, is hereby directed to pay the expense thereof out of the county funds as in all similar cases, any law to the contrary notwithstanding.

SECTION 3. It shall be lawful for the commissioners of the Regulation district of Spring Garden, to alter the regulation of the of Hamilton height and pitch of Hamilton street, so as to make the sum- street by mit at the centre of the square between Schuylkill Second comm's of and Third streets, and in front of the centre of the Preston Spring Gar- den. Retreat: *Provided*, The expense be paid out of the funds Proviso. for establishing the said Retreat.

SECTION 4. So much of the lane or road mentioned in the Lane from eleventh section of an act passed the third of April, A. D. Broad street eighteen hundred and thirty-seven, as extends from Broad to Ridge street to the Ridge road, shall be closed as soon as Poplar road to be street, from Broad street to the Ridge road shall be opened closed, &c. for public use, free from charge to the county.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The second day of March, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 23.

An Act

To incorporate the Stafford Coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That George Brinton, Walter C. Livingston, Charles S. Cox, Edward D. Ingraham, William Snippen, Edmund S. Cox, Richard L. Howell, their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style and title of "The Stafford Coal company," with a capital of two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each, and the said company may

Corporators.

Name, style and title.

Number of shares.

Powers.

hold not exceeding two thousand acres of land, consisting of not more than two distinct bodies, within the counties of Luzerne and Northampton, in Pennsylvania, and shall have power to locate and construct a railroad from any point or points on their lands, to any convenient point of intersection with the Beaver Meadow and Hazleton railroads, and any other railroads in the valleys of Hazle, Beaver, Quakake, and other neighboring creeks, and the Lehigh canal, or any of them, and the company hereby incorporated, shall possess and enjoy all the powers, privileges and immunities, and be subject to the restrictions, terms and conditions, (except so far as is herein otherwise expressed) provided in an act entitled "An act to incorporate the Hazleton Coal company," passed the eighteenth day of March, Anno Domini, eighteen hundred and thirty-six: *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend, into the treasury of the state, for the purposes of education.

Proviso.

This act to continue in force until Dec. 1853, but may be amended or repealed by Legislature.

SECTION 2. This act shall continue and be in force until the thirty-first day of December, Anno Domini, eighteen hundred and fifty-eight; but it shall and may be lawful for the legislature at any time, in case of misuse or abuse of any of the privileges granted by this act, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

The Company shall not enter upon lands until the rate of compensation for injury be ascertained, &c.

SECTION 3. It shall not be lawful for the said company, nor any of its agents, to enter upon any land which they shall deem necessary for the construction and completion of a railroad, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road, until the rate of compensation for injury sustained, or to be sustained, by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the same manner as is prescribed and provided for in the sixth section of an act to incorporate the Beaver Meadow Railroad and Coal company, passed April seventh, Anno Domini, eighteen hundred and thirty: *Provided*, That this act shall not be so construed as to prohibit the aforesaid company, or their agents, from entering upon any land or lands for the purpose of exploring, examining, surveying, laying out and

Proviso.

locating the said road, with as little damage as may be to the lands or premises which may be thus entered upon for said purpose.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

We do hereby certify, that the bill entitled "An act to incorporate the Stafford Coal company," was presented to the Governor on the nineteenth day of February, eighteen hundred and thirty-eight, and was not returned within ten days (Sundays excepted) after it had been presented to him. Wherefore it has, agreeably to the Constitution of this Commonwealth, become a law, in like manner as if he had signed it.

FR. R. SHUNK,
Clerk of the House of Representatives,
GEO. W. HAMERSLY,
Clerk of the Senate.

Harrisburg, March 3d, 1838.

No. 24.

An Act

Making an appropriation to the Eastern Penitentiary, and for other purposes.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of ten thousand dollars be, \$10,000 ap- and the same is hereby specifically appropriated for the propriated. payment of debts contracted in the construction and completion of the buildings of the Eastern Penitentiary, to be paid out of any moneys not otherwise appropriated, on a warrant or warrants drawn by the Governor in favor of the inspectors of said penitentiary: *Provided,* That the inspectors furnish a detailed statement of the accounts to the accountant department, to be settled and adjusted in the usual manner.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required to loan to the inspectors of the State Trea- Eastern Penitentiary, the sum of ten thousand dollars, to be \$10,000.

applied exclusively towards the payment of debts incurred in the purchase of raw materials, for manufacturing purposes, to be repaid to the commonwealth out of the proceeds of the sales of manufactured articles, at the end of two years from the passage of this act: *Provided*, That full and detailed statements of the manner in which the said money is applied shall be furnished to the accountant department within thirty days after the said money is received from the state.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

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No. 25.

An Act

To authorize the partition of the real estate whercof Anthony Taylor died seized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same*, That the full and entire assent of this commonwealth be, and the same is hereby given to all and each of the provisions mentioned and contained in an act of the legislature of the state of New Jersey, passed the tenth day of February, Anno Domini, one thousand eight hundred and thirty-eight, entitled “An act to authorize the partition of the real estate whereof Anthony Taylor died seized,” and the said act of the state of New Jersey is hereby adopted, ratified, confirmed and enacted into a law of this commonwealth, and all and each of the provisions, conditions and restrictions thereof, as fully and effectually made part of the laws of this state, as if the same were enacted paragraph by paragraph, and section by section, so far as the same can apply to this commonwealth.

SECTION 2. As soon as the partition shall have been completed, and the respective portions allotted as required by

the act above referred to and enacted, the said commissioners shall transmit copies of their oath of office, the award by them made as is in said act directed, and the certificate of their proceedings in making said allotment and partition, together with all the maps and field books made by them, as in said act required, to the clerk of the Orphans' Court for the county of Philadelphia, and also similar copies to the clerk of the Orphans' Court of the county of Bucks, to be by the said clerks filed and recorded in their said offices, respectively, and the said returns or the records thereof, shall at all times be good and sufficient evidence of the said partition.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 26.

An Act

To authorize the Governor to incorporate a company to erect a Bridge over the Juniata river, at M'Veytown, Mifflin county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Wakefield, Andrew Bratton, David Hartzler, sen., James Criswell, Nicholas Miller, Thomas Fritz, Joshua King, Joseph Kiser, Charles Bratton, David Miller, Henry Wharton, Samuel Wharton, James Wharton, George Montgomery, Daniel Yoder, Christian Kauffman, John Hartzler, Hugh McGee, Abraham Kaufman, John Miller, James Bratton, sen., William McKinsty, Elisha Bratton, Robert Criswell, Jacob Kaufman, Christian Kaufman, William Harshberger, Daniel Harshberger, Richard Montgomery, Wm. Pright, James Langton, Christian Moist, George Hoffman, Henry Rhodes, Michael Youtzey, James Leatter, James McDonald, William Caldwell, J. and C. Yoder, Michael Criswell, William Brown, Augustine Wakefield, Jesse Thomas, Charles Brook,

Names of the
corporators.

Privileges
and franchi-
ses.

Capital stock

Letters pa-
tent.

Name, style
and title.

Organiza-
tion.

Annual elec-
tion.

Clement Brook, Samuel Troxal, Elijah Davies, John M. Barton, Edward Daugherty, James Cooper, John Walters, Abraham Rotterock, R. Wooden, John A. Steel, William S. Wooden, Isaac Walls, Samuel Meyers, and George H. Galbraith, and such other persons as are or may be associated with them in subscribing stock for the purpose of erecting a bridge over the Juniata river, at or near McVeytown, in Mifflin county, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name, style and title of "The President and Managers of the McVeytown Bridge company," and by the same name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of holding their capital stock already subscribed, for the purpose of erecting such bridge, and the increase and profits thereof, and of enlarging the capital stock from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of suing and of being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do, and the said capital stock shall be held in shares of twenty-five dollars each, and shall not exceed four hundred shares, unless enlarged as aforesaid.

SECTION 2. It shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of The President and Managers of the McVeytown Bridge company, so soon as the first seven named persons in the first section of this act, shall certify to him, under their hands and seals, that three thousand five hundred dollars, or more are, or have been subscribed by individuals or companies, for the purpose of erecting such bridge, making out a fair statement of the names of such individuals and companies, and the number of shares subscribed by each.

SECTION 3. The seven first named persons in the letters patent, as soon as conveniently may be, shall give notice in one newspaper printed in Mifflin county, of the time and place by them to be appointed, not less than twenty days from the date of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or proxy, duly authorized, seven managers and one treasurer, to serve until the first Monday in November then next, and on the said first Monday of November in every year thereafter, the

said subscribers shall proceed to ballot as aforesaid, for seven managers and a treasurer, to serve for the term of one year, and until others are duly elected; that the said managers so elected and appointed, shall meet within thirty days from the date of said election, and elect one of their number president for the current year: *Provided*, That every stockholder shall be entitled to one vote for each and every share he, she, or they may hold, if the number shall not exceed five, and one vote for every two shares above five and not exceeding nine, and one vote for every five shares above nine until the number of votes amount to twelve, and that no person shall be entitled to more than twelve votes. Proviso.
Ratio of
votes.

SECTION 4. The said election shall be held by three judges and two clerks, to be chosen by a majority of the subscribers then present, who shall be sworn faithfully and impartially to conduct the same, and shall be held at such place as shall be fixed by the by-laws of said company. Manner of
holding elec-
tion, &c.

SECTION 5. The said president and managers may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this state or of the United States; as shall be necessary for the well ordering of the affairs of said corporation, and generally have all the powers, authorities and privileges, necessary for completing, maintaining, and keeping in repair the said bridge: *Provided*, That if the said company shall not proceed to erect and carry on said bridge within five years after the passage of this act, and within five years thereafter complete the same, or if said company shall proceed to issue any note or notes, of the nature of bank notes, or do any business of the nature of banking, it shall and may be lawful for the legislature to resume all and singular the liberties and privileges hereby granted to said company: *Provided further*, That the erection of such bridge shall not obstruct the navigation of said river, so as to endanger the passage of rafts, boats, or other water crafts. By-laws and
rules.
Proviso.
2d Proviso.

SECTION 6. When the said bridge is completed as aforesaid, the property of said bridge and its appendages, shall be vested in the said company as aforesaid, and their successors forever, and it shall and may be lawful for said company, and their successors, to erect a gate or gates, and such other buildings as they may deem necessary for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, not exceeding the following rates, to wit: for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description Rates of toll.

used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents; for every dearborn wagon drawn by one horse twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten cents; for every horse, mare or gelding, with or without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine ten cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twelve head on the said bridge at the same time; and for every foot passenger three cents: *Provided*, That any persons attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending schools or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That if any person or persons shall wilfully ride, drive or lead any horse or other animal faster than a walk when crossing said bridge, he, she or they so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of the company, as fines of like amount are by law recoverable.

Proviso

2d Proviso.

Manner of
estimating
value of
lands for use
of bridge.

SECTION 7. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with said owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Mifflin county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being sworn or affirmed to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands as shall be necessary for the purpose of erecting and completing the said bridge, and making all the

necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of lands so necessary to be taken as aforesaid, and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement having been confirmed by the court, shall be filed in the office of the clerk of the court of Quarter Sessions, together with the said map, and the said president, managers and company, having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the costs of the appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Title to be
vested in Co.
upon paym't.
of sums
awarded.

SECTION 8. If the said company, their successors and assigns, or whoever may possess or own said bridge, shall demand or receive any greater rates or prices for passing over the said bridge than is hereinbefore prescribed and specified, he, she or they so offending shall, for every such offence, forfeit and pay the sum of five dollars, one moiety thereof for the poor of the township of Oliver, the other moiety for the use of the person who may sue for the same: *Provided*, The same be sued for within twenty days from the time such offence shall have been committed.

Penalty for
demanding
illegal toll.

Proviso.

SECTION 9. If any stockholder, after twenty days notice given in one of the public newspapers printed in Mifflin county, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every month's delay of such payment, and may be sued for at any time after the expiration of the said thirty days, and shall be liable to be forfeited to the said company.

Penalty for
neglecting
to pay instal-
ments.

SECTION 10. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, and at such meetings four members shall be a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of all their transactions entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents,

Meetings.

Quorum

Minutes.

Powers.

artists and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to fix the times, manner and proportions in which the stockholders shall pay the money due on their respective shares in order to carry on their work, to draw orders on the treasurer for all monies, to pay the salaries of persons by them employed, and for the materials provided and labor done, and which shall be signed by the president and countersigned by their clerk, and to do and transact all other matters and things as by the by-laws, orders and regulations of the said company shall be committed to them.

Certificates
of stock.

SECTION 11. The president and managers shall procure printed certificates for all the shares of stock of said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the share or shares held by him, on paying to the treasurer the amount of each share so held, which certificates shall be transferable at his pleasure in person or by attorney, in the presence of the president or treasurer, and the assignee holding such certificate, having first caused the assignment to be entered on the book of the company kept for that purpose, shall become a member of the corporation.

Of transfer.

Just & fair
acc'ts. to be
kept.

SECTION 12. The president and managers shall keep fair and just accounts of all monies received by them from the subscribers to said company, and of all penalties for delay in the payment of stock, the amount of profits on shares that may be forfeited, and of all tolls received for crossing said bridge, and also of all monies by them expended, and shall submit such accounts to the stockholders at their annual elections for managers.

Comm'rs. of
Mifflin Co.
to subscribe.
Proviso.

SECTION 13. The commissioners of the county of Mifflin, are hereby authorized to subscribe, on behalf of said county, to the stock of said company any sum not exceeding three thousand dollars: *Provided*, That the said county is not to be held accountable to said company towards the erecting and keeping said bridge in repair for any greater sum than the amount said commissioners may subscribe; and if at any time hereafter the county of Mifflin, the state of Pennsylvania, or any incorporated town in the state, shall think proper to purchase the said bridge, for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in the said county, may adjudge the same to be worth, estimating the tolls at six per cent. per annum on the costs of construction.

The bridge
may be pur-
chased for
the purpose
of making
it free.

SECTION 14. Daniel C. Guldin, Michael Hoffman, Jacob Windsor Seidel, John Plank, John Barnett, Martin Stitzler, James Haven Starr, jr. John Seiferd, N. V. R. Hunter, William Dreibel-
 bies, Samuel Step, William Merwine, Joshua Reber, Jacob Commiss'rs. D. Barnett, William Lewers, Michael K. Boyer, John Markel, John Kershner, Joseph Heffner, William Feader, Israel Derr, Daniel Bieber, Daniel Kutz, Nicholas Wagner, and Peter Miller, all of Berks county, be, and the same are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first Monday of August next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company authorized to erect a bridge over the river Schuylkill, at or near to Joshua and James Reber, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and in such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c. Witness our hands, this day of one thousand eight hundred and ;" and shall thereupon give notice in two newspapers, in the said county, for one calendar month at least, of the time and places when and where such book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years, to subscribe therein in his own name, or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until one hundred and twenty shares shall be subscribed, when the books shall be closed, but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to one hundred and twenty shares as aforesaid, the books shall be closed: *Provided always,* That every person offering to subscribe in the said book or books, in his own name or in the name of any other person, shall at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so

To procure books.

Form of subscription.

Who may subscribe.

Proviso.

subscribed, out of which money shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen, as is hereinafter directed: *Provided*, That the commissioners of the county of Berks, or a majority of them, may subscribe for any number of shares they may deem expedient: *And provided also*, That the county shall, at any time hereafter, have the right of buying out the company, by reimbursing to the stockholders such monies as, together with interest, they may have expended in the erection and completion of the said bridge.

2d Proviso.

3d Proviso.

Letters
patent.

Name, style
and title.

Privileges
& franchises

Organizat'n.

SECTION 15. When one hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the President, Managers and Company of the Windsor Haven Bridge, at or near Reber's tavern, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estates, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a body politic or corporate may lawfully do.

SECTION 16. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice, in two or more of the public newspapers in the county of Berks, of the time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall

proceed to organize the said corporation, and shall by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

SECTION 17. A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote under four shares, and for four shares two votes, and then for every four shares one to ten votes and no more.

SECTION 18. The president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part for the sum due thereon, five dollars on each share, which certificate shall be transferable, either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payment due or growing due thereon, and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

SECTION 19. The said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions truly inserted in a book, and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion, make contracts for

the erection or construction of the same or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk; and also do and transact all matters and things as by this act or the by-laws of the said company shall be committed to them.

Penalty for neglecting to pay instalments.

Forfeiture.

No. of shares may be extended.

Mode of estimating value of lands for use of bridge.

SECTION 20. If any stockholder after thirty days notice given in any two newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECTION 21. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended, under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

SECTION 22. Before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with said owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Berks county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this

state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of lands so necessary to be taken as aforesaid, and having estimated the advantages, as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement having been confirmed by the court, shall be filed in the office of the Clerk of the court of Quarter Sessions, together with the said map; and the said president, managers and company, having paid to the said owners respectively, the several sums awarded to be paid to them, together with the costs of the appraisement, the said corporation shall be entitled to have and to hold, to them, and to their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Title to vest in Co. upon payment of sums awarded for lands, &c.

SECTION 23. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates and demand and receive toll, not exceeding the following rates, to wit: for every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents; and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages, with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon with two horses ten cents; for every such wagon drawn by four horses twenty cents; for every sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses

Rates of toll.

Provided.

2d Proviso.

or oxen, at all times to cross it, the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates: *And provided also*, No toll shall be demanded from any person attending funerals, churches or school, or going to or returning from any militia training.

Penalty for
demanding
illegal toll.

SECTION 24. If the said company, or their successors, any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Just and true
accounts to
be kept.

SECTION 25. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund, for the purpose of repairing and rebuilding said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

Proviso.

Dividends.

Collectors,
&c. to be
sworn or af-
firmed.

SECTION 26. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he or they will faithfully conduct him or

themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

SECTION 27. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or any other property of the said corporation, appertaining to, or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she, or they so offending shall, each of them, forfeit and pay for each and every such offence to said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of a like amount are recoverable, and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern, or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol, gun, or other fire arms, on or near said bridge, so that the said bridge might by possibility be set on fire or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided* always, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation company in their works. Penalty for injuring or destroying Co's. works, &c.

SECTION 28. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not, within the space of four years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to Time for commencing and completing work.

Proviso. resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers printed in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Certain acts SECTION 29. The act with its supplements, incorporating
incorpora- a company to build a bridge over the northeast branch of the
ting a Co. to Susquehanna river, at or near the village of Athens, in Brad-
build a ford county, passed the seventeenth day of April, eighteen
bridge over hundred and twenty-seven, be and the same is hereby extend-
Susq'hanna. ed for five years after the passage of this act.

Co. extended SECTION 30. That whenever one hundred shares shall
Warren have been subscribed to the Warren Bridge company, and
Bridge Co., one dollar on each share paid, it shall be lawful for the Gov-
Letters pa- ernor, by letters patent, under his hand and seal of the
tent. state, to erect the subscribers into one body politic and cor-
porate, in deed and in law, by the name, style and title of
The President and Managers of the Warren Bridge company,
so soon as a majority of the commissioners named in the act
incorporating said bridge company, shall certify that the said
sum on each share has been paid by the subscribers.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand
eight hundred and thirty-eight.

JOS. RITNER.



No. 27.

An Act

To authorize the Governor to incorporate a company to erect a
Bridge over the Allegheny river, at or near Sharpsburg, in Alle-
gheny county.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the au-
thority of the same*, That James Ross, jr., Philip Miller,
Comm'rs. James Stewart, James Sharp, William Croghan, P. A. Be-
ham, James Campbell, John Stark, Peter Klingensmith,
Harrison Parry, Francis Karns, David Boyd, Robert Wilson,

James Davidson, Christian Love, C. ^R Garrison, William Lapsly, Matthew Watson, Harmer Denny, James Marshall, J. H. M'Clelland, Alfred Sutton, James Veech, B. L. Fahnestock, Henry M'Geary, Thomas Liggett, Gabriel Adams, Malcolm Leech, David Drenman, and James Dalzell, of the county of Allegheny, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say : they shall, on or before the first day of December next, procure a book, and enter therein as follows : " We whose names are hereunto subscribed, do promise to pay unto the President, Managers and company for erecting a Bridge over the Allegheny river, at Sharpsburg," the sum of fifty dollars for every share of stock set to our names respectively, in such proportions and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly, entitled An act authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river : Witness our hands and seals, the day of , in the year of our Lord, one thousand eight hundred and thirty-eight; and shall thereupon give notice in at least two of the newspapers published in the city of Pittsburg, for one calendar month at least, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places at least two of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said book, until the number of twelve hundred shares shall have been subscribed, after which the books shall be closed : *Provided*, That every person offering to subscribe in said books, in his own or in the name of any other person, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out which shall be delayed the expenses attending the taking said subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers, as hereinafter directed, shall be chosen; that the said company shall have power, and are hereby authorized and required to make and construct an artificial road from the north end of the said bridge, to intersect the Pittsburg and Butler Turnpike road, at a point where the said road crosses Pine creek the second time, in the direction to Butler, so that the intersection shall not be more than four miles from the Allegheny river, on a direct line: (*Provided*, a township road from some points is not laid out & opened for traveling, at or before the completion of said bridge,) the said road to be at least twenty-two feet wide,

To procure a book.

Form of subscription.

Notice.

Who may subscribe.

Proviso.

Powers.

2d. Proviso.

and at no place to exceed more than five degrees from a horizontal line, and to be finished within eighteen months after the bridge is passable; the said company, so far as regards the road herein authorized, to have the like privilege, and be subject to the same restrictions and penalties which are granted and imposed upon the Pittsburg and Butler Turnpike road company, and in case of the failure to construe the said road in the time and manner herein stated, the charter hereby granted is declared to be forfeited.

Letters patent.

Name, style and title.

Privileges and franchises.

SECTION 2. When twenty or more persons shall have subscribed six hundred or more shares in the said work, the commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers and the number of shares by them subscribed, to the Governor, and thereupon it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of The President & Managers and company for erecting a bridge across the Allegheny river, at or near Sharpsburg, in Allegheny county, and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, or for any less estate, real and personal, as shall be found necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of doing all and every other thing which a corporation or body politic may lawfully do.

Organization.

Annual election.

SECTION 3. The persons named in the letters patent, as soon as conveniently may be, shall give notice in the before mentioned newspapers, of the time and place by them to be appointed, not less than thirty days from the date of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or proxy, duly authorized, nine managers and one treasurer, for the term of one year from the date of the aforesaid election; and yearly and every year thereafter, the said subscribers shall proceed to ballot as aforesaid for nine managers and one treasurer; that the said managers so elected and appointed, shall meet within thirty days from the date of such election, and select one of their

number as president for the current year: *Provided*, That ^{Proviso.} every stockholder shall be entitled to one vote for each and every share he, she or they may hold, if the number shall not exceed five, and one vote for every three shares above five and under twelve, for every ten shares over twenty: *one vote* ^{2d Proviso.} *Provided*, That no stockholder shall be entitled to more than twelve votes.

SECTION 4. The said president and managers may make ^{By-laws.} such by-laws, rules, orders and regulations, not inconsistent with the laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corpora- ^{Powers.} tion, and generally to have all powers, authorities and privileges necessary for completing, maintaining, and keeping in repair the said bridge: *Provided*, That if the said company shall ^{Proviso.} not proceed to carry on said bridge within five years after the passage of this act, and within five years thereafter complete the same, or if the said company shall proceed to issue any note or notes, of the nature of bank notes, or do any business of the nature of banking, it shall and may be lawful for the legislature to resume all and singular the liberties and privileges hereby granted to said company: *Provided* ^{2d. Proviso.} *further*, That the erection of said bridge shall not obstruct the navigation of said river, so as to endanger the passage of rafts, steam boats, and other water crafts.

SECTION 5. The president, managers and company for erecting a bridge over the Allegheny river, at Sharpsburg, ^{Rates of toll.} their successors and assigns, are hereby empowered to erect gates, and demand and receive tolls not exceeding as follows, to wit: for every foot passenger two cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for every such carriage having four wheels, and drawn by five horses, sixty-two and one half cents; for every such carriage having four wheels and drawn by four horses, fifty cents; for every such carriage having four wheels and drawn by three horses, forty-four cents; for every such carriage having four wheels and drawn by two horses, thirty-seven and one half cents; for every such carriage having four wheels and drawn by one horse, thirty-one cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents; for every such carriage having four wheels and drawn by two horses, sixty-two and one half cents; for every such carriage having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having two wheels and

drawn by four horses, forty-four cents; for every such carriage having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage having two wheels and drawn by two horses, thirty-one cents; for every such carriage having two wheels and drawn by one horse, eighteen cents; for every chair or other wheeled carriage of pleasure, for every horse used therein eighteen cents; for every sleigh or sled drawn by four horses thirty-seven and one half cents; for every sleigh or sled drawn by three horses thirty-one cents; for every sleigh or sled drawn by two horses twenty-five cents; for every sleigh or sled drawn by one horse twelve and one half cents; for every horse, mare or gelding, with a rider, six cents; for every horse, mare or gelding without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle two cents; for every head of sheep or swine one cent: *Provided*, That any person or persons attending funerals, any detachment of the military of this state or of the United States, foot passengers attending divine service, students or children attending schools or other seminaries of learning, shall at all times be exempt from paying toll: *Provided also*, That it shall be the duty of the president and managers of the company, and their successors, to have a written or printed list or lists of the above rates of toll placed upon some conspicuous part at each end of the said bridge, for the inspection of all persons desirous of seeing the same.

Proviso.

2d Proviso.

LEWIS DEWART,

Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 28.

An Act

To incorporate the Trustees of the townships of Newport and Pittston, in the county of Luzerne.

WHEREAS, the original proprietors of the townships of

Newport and Pittston, two of the seventeen townships of the county of Luzerne, surveyed and laid out certain lots of land in said townships, and appropriated the same to the religious, literary and charitable use of the said townships, which have since been under the charge and care of committees annually elected by the residents and proprietors of said townships: *And whereas*, the commissioners appointed under the act offering compensation to Pennsylvania claimants, passed the fourth day of April, one thousand seven hundred and ninety-nine, and the supplements thereto, issued certificates to the committees for the time being for the said lots, in trust for the use of the proprietors of said respective townships, and the annual committees have, from time to time, with the assent of said proprietors, and by their agents, sold and conveyed, and let upon leases for a long term of years, several of said lots, reserving rents for the use of said respective proprietors, but inasmuch as the said committees were not fully invested with the legal and equitable titles to said lands, such sales and leases as made by them having been judged invalid: *And whereas*, the rents and debts due to said proprietors, arising from said sales and leases, have increased to a considerable amount, and cannot be recovered unless an act of incorporation be granted to said proprietors, they have therefore prayed that the sales and leases so made by the said committees, and their agents, may be confirmed, and that an act of incorporation may be granted them by the legislature; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all leases, sales, and contracts, heretofore made by the committees of the proprietors of the respective townships of Newport and Pittston, in the county of Luzerne, or by Jonathan Smith and Jonathan Kellogg, original agents of Newport township, of and concerning lands originally appropriated to the public use of said townships, be, and the same are hereby confirmed, as fully and amply as though the said committees and agents had been vested with the full titles to said lands, at the time of making such sales, leases and contracts.

SECTION 2. That the inhabitants of each of the certified townships of Newport and Pittston, in the county of Luzerne, being owners of land within the same, and all who shall hereafter inherit and own land within the said townships, are hereby authorized to meet on the first Saturday in June next, and on the last Saturday of April in each and every year thereafter, at the place of holding the general elections in said

Confirmation of all leases and contracts heretofore made by the committee, &c.

Annual election of Treasurer, Secretary & Trustees for the certified townships.

townships, then and there between the hours of twelve o'clock at noon, and six o'clock in the afternoon, to elect by ballot a treasurer, a secretary, and three persons as trustees for each of said respective townships; two of the persons last in office in said corporation, or in case of their absence, two reputable inhabitants of said township shall act as judges of said election, who shall be duly sworn or affirmed before a justice of the peace, to conduct the said election with impartiality and fidelity, and the persons having the highest number of votes for the respective offices shall be declared duly elected, when the said treasurer, secretary, and three trustees, shall respectively constitute bodies corporate and politic, in law and in fact, the first by the name and style of "The Proprietors of Newport," the second by the name and style of "The Proprietors of Pittston," will all and every the rights, privileges and franchises, and subject to all and every the regulations, stipulations, duties, restrictions and provisos contained and found in the second, third, fourth and fifth sections of an act entitled "An act to incorporate the trustees of the township and borough of Wilkesbarre, the trustees of the township of Plymouth, and the trustees of the township of Hanover, in the county of Luzerne," passed the second day of April, one thousand eight hundred and thirty-one, except as the same may be hereinbefore altered or changed.

Style & title.

Rights and privileges.

Committee vested with corporate powers until election of officers, &c.

SECTION 3. That until the election of officers of said respective corporations, Henry Styer, Adam Bellas and Peter Fitzgerald, present committee of said township of Newport, and Peter Winter, Nathaniel Giddings and Nathaniel Tuttle, present committee of said township of Pittston, shall be vested with the corporate powers under this act, and any suit or suits already commenced by any committee of said townships, may be prosecuted to a final determination, and all judgments already obtained, may be recovered by and for the use and at the expense of said corporations.

LEWIS DEWART,

Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 29.

An Act

Authorizing the laying out and locating a State Road from a point at or near Mexico, in Juniata county, through Tuscarora Valley, by way of East Waterford and the Burnt Cabins, to intersect the Southern Turnpike Road, at or near Licking Creek Bridge, in Bedford county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Ford and James Hudson of Huntingdon county, Jesse Beal and Stewart Turbett of Juniata county, and Joseph B. Noble, David Fore and Thomas Spear of Bedford county, be, and they are hereby appointed commissioners to view and lay out a state road from a point at or near Mexico, in the county of Juniata, through Tuscarora Valley, by the way of East Waterford and the Burnt Cabins, to intersect the Southern Turnpike road, at or near Licking Creek Bridge, in Bedford county.

Commissioners appointed, &c.

SECTION 2. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the said road may pass, and to lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging, the declination of the said road may be preserved within that limit.

Commiss'rs. to be sworn or affirmed.

Road to be nearly straight and graded so as not to exceed 5 degrees.

SECTION 3. That it shall be the duty of the commissioners, respectively, plainly and distinctly to mark on the ground the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners, respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, one axe man, and one staff bearer, at a per diem allowance not exceeding one dollar, and the said commissioners, respectively, shall receive one dollar and seventy-five cents for each and every day while

Route to be marked.

Surveyor & others to be employed. Their pay.

necessarily employed in discharging the duties enjoined upon them by this act, to be paid as hereinafter directed.

Drafts of the road, &c. SECTION 4. That it shall be the duty of the said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of October next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened the full breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Accounts of commiss'rs. to be adjusted and paid. SECTION 5. That the accounts of said commissioners for their own pay and for the pay of surveyors, chain carriers, axeman and staff bearer, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurer thereof, on warrants drawn in the usual way, in proportion to the length of the road in said county, respectively.

Time and place of meeting of commiss'rs. Vacancies. SECTION 6. That the said commissioners shall meet at Mexico, on or before the first Monday in May next, or as soon thereafter as practicable, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or otherwise, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Commiss'rs. appointed to lay out State Road, &c. SECTION 7. That George W. Kerns, Christian Good, senior, of Cambria county, and Samuel Kimmell and Isaac Kauffman, of Somerset county, be, and they are hereby appointed commissioners to view, and lay out and mark a State Road from some point within nine miles of Ebensburg, on the Huntingdon, Cambria and Indiana Turnpike road, in Cambria county, by the nearest and best route, through Johnstown and Davidsville to Stoystown in Somerset county, and in the execution of said duty they shall be allowed, in addition to the usual number of hands, to employ a surveyor, at such wages as they may deem reasonable.

Commiss'rs. to be sworn or affirmed. SECTION 8. It shall be the duty of the above named commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties

enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out or reviewed may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit. How road to be laid out.

SECTION 9. It shall be the duty of the commissioners plainly and distinctly to mark upon the ground the route agreed upon for the road by them laid out or reviewed as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ two chain bearers, one axe man and one staff bearer, at a per diem allowance not exceeding one dollar and fifty cents. Route to be marked, &c.

SECTION 10. It shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth. Draft of the road.

SECTION 11. The compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay, and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively. Compensation of commissioners. Accounts to be adjusted and paid.

SECTION 12. The said commissioners shall meet at the place of beginning on the road before mentioned to be by

Time and place of the meeting of commiss'rs. them laid out, on the first Monday of June next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies.

Releases from any claim of damages. SECTION 13. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners' office of the proper county.

Commiss'rs. of M'Kean Co. to appropriate \$5000 to certain roads. SECTION 14. That the county commissioners of the county of M'Kean be, and are hereby authorized and required to appropriate, out of any monies arising from county rates and levies in said county, five thousand dollars, in manner following, to wit: Three thousand dollars on the road leading from Smethport, county aforesaid, to Canoe Place; two thousand dollars on the road leading from Smethport to the mouth of Kendall's creek, in Bradford township, county of M'Kean: *Provided*, That before any part of said monies shall have been expended, the nearest and most practicable route shall first be ascertained and established, by competent viewers, appointed by the court of Quarter Sessions of said county.

Commiss'rs. appointed to lay out State Road. SECTION 15. James Huling and Richard Irwin of Venango county, and Philip G. Clover of Jefferson county, be, and they are hereby appointed commissioners to view, lay out, locate and mark a State Road from a point on the Susquehanna and Waterford turnpike, at or near Brookville, in the county of Jefferson, to Tionista, on the Allegheny river, in the county of Venango, by the nearest and best route.

Commiss'rs. to be sworn or affirmed. SECTION 16. It shall be the duty of the above named commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where by moderate filling

How road to be laid out.

and bridging, the declination of the road may be preserved within that limit.

SECTION 17. It shall be the duty of the commissioners ^{Route to be} plainly and distinctly to mark upon the ground the route ^{marked, &c.} agreed upon for the road by them laid out or reviewed, as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized, if necessary, to employ two chain bearers and one axe man, at a per diem allowance not exceeding one dollar.

SECTION 18. It shall be the duty of the commissioners to ^{Draft of road} make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the crossing of the county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

SECTION 19. The compensation of the commissioners shall ^{Compensa-} be one dollar and fifty cents for each and every day neces- ^{tion of the} sarily employed by virtue of this act, and the accounts of ^{Commis'rs} the said commissioners for their own pay, and the pay of the ^{and others.} hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the ^{Accounts to} said road may pass, and paid by the treasurer thereof, on ^{be adjusted} warrants drawn in the usual way, and in proportion to the ^{and paid.} length of the road in such county respectively.

SECTION 20. The said commissioners shall meet at the ^{Time and} place of beginning, on the road before mentioned, to be by ^{place of the} them laid out, on the first Monday of June next, or sooner, ^{meeting of} as may best suit their convenience, and complete the loca- ^{Commis'rs.} tion of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Release
from any
claim of da-
mages.

SECTION 21. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioner's office of the proper county.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 30.

An Act

For the relief of George Serena and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to George Serena of Armstrong county, James McNamara of Crawford county, Ludwig Cupp and John Vinegardner of Allegheny county, Robert Campbell of Washington county, Daniel M'Caskey of Beaver county, Samuel Robb of Westmoreland county, Eli Williams of Mifflin county, John Lincoln of Fayette county, Jacob Erb of Montgomery county, Robert Boggs of Franklin county, Samuel Howard of Mercer county, George Power of Venango county, Peter Frey of Chester county, and John Welsh of Butler county, soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities of \$40 to Jno. Geo. Wilkins & Cath. Deem. SECTION 2. That the State Treasurer is hereby authorized and required to pay to John George Wilkins of Westmoreland county, a soldier of the Indian war, and to Catharine Deem of Montgomery county, widow of a soldier of the

Revolutionary war, or to their respective orders, forty dollars each immediately as a gratuity; the foregoing pensions and gratuities to be paid in conformity with the existing laws.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 31.

An Act

For the relief of James Reed and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to James Reed, John Geissinger, John Gwinn, Timothy Vanscoyock, and Adam Hegie, of Huntingdon county, Uriah Maull, Henry Stagert, John Hillman, Peter Brown, and Jacob Grubs, of Allegheny county, James R. Bell of Columbia county, James Hite of Juniata county, Jacob Grist of Westmoreland county, Joseph Mace of Chester county, Paul Russel of Philadelphia county, soldiers, and to Mary Brannon (alias Brandon) of Allegheny county, Ann Bigony, Christiana Bender, Margaret Bender, Mary Wolf, of Philadelphia county, Mary Boyls of Indiana county, and Mary Vernon of Delaware county, widows of soldiers of the revolutionary war, or to their respective orders, forty dollars each immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

SECTION 2. The State Treasurer is hereby authorized and required to pay to James Norman of Fayette county, Samuel Gillespie and John Johnson of Mercer county, Abraham Clemens and David M'Mullin of Washington county, soldiers of the Indian war, or to their respective orders, forty dollars immediately, as a gratuity, and an

annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities to SECTION 3. The State Treasurer is hereby authorized and Geo. Yerkes required to pay to George Yerkes of Montgomery county, & Eve Oery, and Simon Ruffner of Westmoreland county, a gratuity of forty dollars each, in full for their services in the Revolutionary war, and to Eve Oery of Westmoreland county, a gratuity of one hundred dollars, in full for her services during the Indian war; the foregoing gratuities and annuities to be paid in conformity with the existing laws.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 32.

An Act

To empower the court of Common Pleas for the city and county of Philadelphia to appoint assignees or trustees in the place of the deceased assignees or trustees of John Vaughan, and for other purposes.

Preamble.

WHEREAS, John Vaughan of the city of Philadelphia, by indenture of assignment, dated the thirty-first day of August, Anno Domini, one thousand seven hundred and ninety-eight, conveyed all his estate, real and personal, to Thomas Fitzsimmons, Robert Bird, and John Miller, junior, for the benefit of creditors: *And whereas*, Thomas Fitzsimmons and John Miller, junior, two of the said assignees are deceased:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of Common Pleas for the

Appoint-
ment of new
assignees or
trustees of
J. Vaughan.

city and county of Philadelphia, shall have power to appoint new assignees or trustees in the place of the deceased assignees or trustees of John Vaughan, upon application by petition to the said court of Common Pleas for the city and

county of Philadelphia, and the assignees or trustees so appointed by the said court, as aforesaid, shall be liable to the same duties and shall have the same powers and authorities in relation to the trust and to the further execution of the same, and shall be subject to the jurisdiction and control of the court, in the same manner, to all intents and purposes, as the surviving assignee or trustee, and as if they had been originally appointed under the instrument executed by the said Vaughan on the thirty-first day of August, Anno Domini 1798. Their powers & duties.

SECTION 2. When the trustee or trustees of any estate shall reside out of this Commonwealth, and any part of the trust, estate, property or fund is situated within this state, it shall be lawful for the courts heretofore invested by law with power to appoint trustees on the petition of any of the parties interested in said trust property, to appoint one or more trustees resident within this Commonwealth, to act in conjunction with said foreign trustee or trustees in the management and disposition of said trust, and the said court shall have the same power over said trustee or trustees so appointed that is already given in other cases of trust. Powers of the courts relative to trustees of estates, in certain cases.

SECTION 3. From and after the passage of this act, the ministers, trustees, elders and deacons of the German Reformed Congregation in Germantown, in the county of Philadelphia and state of Pennsylvania, be, and they are hereby authorized to sell and convey all that certain lot or piece of ground, situate on Church Lane, in Germantown, in the county of Philadelphia, commencing at the junction of a certain lot, (authorized to be sold by an act of assembly, entitled "An act to enable John Christ to exchange certain real estate and for other purposes, passed the eighth day of April, Anno Domini eighteen hundred and thirty-three,") and said church, thence north forty-seven degrees, west ninety-two feet, thence north forty-one degrees, east fifty-four feet, thence south forty-seven degrees, east thirty-five feet, thence north forty-one degrees, east one hundred and thirty feet, thence south forty-seven degrees, east sixty-eight feet, thence by the courses of said Church Lane one hundred and eighty-five feet to the place of beginning; and the trustees, elders and deacons of the congregation aforesaid, are hereby authorized to sell and convey the same at public or private sale, as shall be most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the extinguishment of certain obligations of said congregation. The ministers, trustees, elders, & deacons of the German Reformed Cong'n in Germantown, Philada. co. authorized to sell certain real estate. How proceeds of sale to be applied.

The signature of the minister of said congregation to conveyances rendered unnecessary.

SECTION 4. That so much of an act entitled An act to enable John Christ to exchange certain real estate, and for other purposes, passed the eighth day of April, Anno Domini eighteen hundred and thirty-three, as relates to the ministers, trustees, elders and deacons of the German Reformed congregation of Germantown, in the county of Philadelphia and state of Pennsylvania, as requires the signature of the minister of said congregation to a certain conveyance therein authorized, or may require it to any future conveyance or conveyances, which by the foregoing section of this act they may be authorized to make, be, and the same is hereby repealed, and all the powers thereby vested in the minister, trustees, elders and deacons of said congregation, be and the same are hereby vested in the trustees, elders and deacons aforesaid.

Of marriages & baptisms.

SECTION 5. That baptisms and marriages which have been or may be solemnized by any bishop within this state, may be entered by him on the register of any church of which the said bishop has the supervision, and the same when entered on the said register shall have the same legal effect and operation as if the said marriage or baptism had been solemnized by a clergyman having charge of the said church, and been by him entered on the register thereof.

Preamble relative to ground rents of Christ & St. Peter's Churches in Philada.

Whereas, the rector, church-wardens, and vestry-men of Christ Church, in the city of Philadelphia, and the rector, church-wardens and vestry-men of St. Peter's Church, in the city of Philadelphia, are now the owners of a certain ground rent of two hundred and sixty-six dollars and two-thirds of a dollar, issuing out of a lot of ground in the city of Philadelphia, situate on the north side of Spruce street, being the south side of the square, between Fourth and Fifth street from the river Delaware, containing in front or breadth on Fourth and Fifth streets respectively, one hundred and two feet, and in length or front on Spruce street three hundred and ninety-six feet, (originally reserved by indenture made the second day of August, Anno Domini seventeen hundred and seventy-one, between the rector, church-wardens and vestry-men of the then united Episcopal churches of Christ church and St. Peter's church in the city of Philadelphia, recorded at Philadelphia in deed book I. volume nine, page five hundred and thirty, &c.,) which ground rent is now held by the said churches in the proportion of three-fifth parts to the said Christ church, and two-fifth parts to the said St. Peter's church. *And whereas*, it has been represented by the said rector, church-wardens and vestry-men of the said churches, that the interest of the said churches would be promoted by the sale or extinguishment of the said ground rent, and the investment of the monies arising

therefrom in some other manner, for the same uses and purposes as those for which the said rent was originally reserved; Therefore,

SECTION 6. That the said rector, church-wardens and vestry-men of Christ church, in the city of Philadelphia, and the said rector, church-wardens and vestry-men of St. Peter's church, in the city of Philadelphia, be authorized and empowered, and they are hereby authorized and empowered, to sell, grant, convey or forever extinguish the ground rent aforesaid, for the best price or sum of money that can be obtained therefor, and for that purpose to make and execute all necessary deeds and assurances in the law to the person or persons purchasing the same, and that the money paid on such sale or extinguishment be received by the said churches of Christ church and St. Peter's respectively, in the same shares and proportions in which the said ground rent was held by them as aforesaid, to be invested in some safe security, under the direction of the court of Common Pleas of the city and county of Philadelphia, and the interest or income thereof applied by them respectively to the same uses and purposes as those for which the said ground rent was originally reserved.

SECTION 7. That it shall be lawful for the rector, wardens and vestry-men of the Trinity church of Oxford township, Philadelphia county, Pennsylvania, to invest the proceeds of the sale of any of the property of the said church, according to the provisions of the act of the twenty-first March, eighteen hundred and thirty-five, for erecting Trinity church, All Saints' church and Saint Thomas' church into three separate corporations, either in real estate, mortgage, or ground rent, as they may deem advisable.

SECTION 8. That from and after the passage of this act, the trustees of the First Baptist church and society of the borough of Erie, Pennsylvania, be and they are hereby authorized to sell and convey a part of that certain lot or piece of ground situate on Peach street, in the borough of Erie, in the county of Erie, being numbered in the general plan of the in and out lots of said borough with the number two thousand five hundred and seventy-six (2576) beginning at the north-east corner of said lot, thence southwardly forty-one feet along Peach street, thence westerly at right angles eighty-two and one half feet, thence northwardly along the west line of said lot forty-one feet to the north-west corner, thence along the north line of said lot to the place of beginning, containing about one-fourth of said lot number two thousand five hundred and seventy-six, including the Parsonage house,

Application of proceeds. and the trustees of the First Baptist church and society of the borough of Erie aforesaid, are hereby authorized to sell and convey the same at public or private sale, as shall be most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the extinguishment of certain judgments against said church and society.

Executor of Daniel B. Wilcox, of Wayne co., dec. authorized to sell certain real estate. SECTION 9. That Joseph B. Walton, and Catharine S. Wilcox, acting executors of the last will & testament of Daniel B. Wilcox, late of the borough of Honesdale, in the county of Wayne, deceased, or the survivor of them, are hereby authorized to sell at public or private sale^a as to them, or the survivor of them, shall seem most conducive to the interest of said estate, all the real estate of said deceased situated in the said county of Wayne, or such part thereof as they or the survivor of them shall think advisable, and to convey the same, either in whole or in parcels, by deed, in fee simple, to the purchaser or purchasers thereof: *Provided*, That it shall be the duty of the said executors, or the survivor of them, to appropriate the proceeds of sale, agreeably to the provisions of the will of the said Daniel B. Wilcox, but that this proviso shall not be taken or construed to require that the purchaser or purchasers of any portion of said real estate shall be bound to look to the application or appropriation of the purchase money arising therefrom: *And provided further*, That before the execution of the deed or deeds

Proviso. for the premises aforesaid, the said executors, or the survivor of them, shall give bond, with such security as the Orphans' court of Wayne county will approve of, conditioned for the faithful application and distribution of the proceeds of sale, agreeably to the provisions contained in the last will and testament of the said Daniel B. Wilcox, deceased.

2d. Proviso. SECTION 10. That Philip Drum, Jacob Drumbeller, and Susanna Drum, guardians of the minor children of George Drum, late of Luzerne county, deceased, or the survivor or survivors of them, be, and they are hereby authorized and empowered to sell at public or private sale, all the right, title, and interest of the minor children aforesaid, in and to a certain messuage and lot of land, situate in the township of Sugar Loaf, in the county of Luzerne, containing four hundred and forty-two acres and one hundred and thirty perches, and to make and execute a deed or deeds therefor, in fee simple, to the purchaser or purchasers thereof: *Provided however*, before any such deed or deeds shall be valid, the guardians shall give bond, in such sum, and with such security as may be approved by the Orphans' court in and for

Guardians of minor children of Geo. Drum, of Luzerne co., dec., authorized to sell certain real estate.

Proviso.

said county of Luzerne, conditioned for the faithful application of the proceeds of such sale.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 33.

An Act

To incorporate the Athens and Ithaca Railroad company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Lemuel L. Elsworth, Nathaniel Clapp, George A. Perkins, Francis Tyler, Robert Spalding, Lockwood Smith, Jesse Brown, Samuel Ovenshire, George H. Wells, John Watkins, Edward Herrick, Simmons Hovey, Eli Baird, Burton Kingsbury, and John F. Satterlee of Bradford county, or any six of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of November next, procure a book or books, which shall be opened at some convenient place or places, as the commissioners may designate, in which they shall enter as follows: “We whose names are hereunto subscribed, do promise to pay to the President and Managers of the Athens and Ithaca Railroad company the sum of fifty dollars for each share of the stock set opposite to our respective names, in such manner and in such proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled An act to incorporate the Athens and Ithaca Railroad company: Witness our hands, this day of , in the year of our Lord, one thousand eight hundred and ;” and shall thereupon give notice in one or more newspapers printed in the county of Bradford, three weeks at least of

Commissioners appointed.

To procure books.

Form of subscription for stock.

Who may subscribe.	the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said books, in their own names or in the names of any other persons, who shall authorize the same, for shares in said stock, and the said books shall be kept open respectively, for the space of six hours in every juridical day for the space of six days, or until there shall have been subscribed one thousand shares, and if at the expiration of six days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere at pleasure, until the whole number of one thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed the books shall be closed, but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each share, for the use of the company.
No. of shares	
\$5 on each share to be paid at the time of subscribing.	SECTION 2. When three hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of the Athens and Ithaca Railroad company, and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and real estate, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien, or dispose of, and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and
Letters patent.	
Name, style and title.	
Powers.	
Seal.	

convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing, or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad, and such cars, locomotives, fixtures, and devices proper and convenient for facilitating travelling or transportation on the said railroad. Proviso.

SECTION 3. The said named commissioners, or any six of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and nine managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company. Organiz't'n.

SECTION 4. The stockholders shall meet on the first Monday in November in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter and repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, Powers.

Ratio of
votes.

and the number of votes each stockholder shall be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, for every four shares above ten and not exceeding thirty one vote, for every ten shares above thirty and not exceeding one hundred one vote, but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting, unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

Proviso.

2d Proviso.

Manner of
conducting
election, &c.

SECTION 5. The election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge or justice of the peace, well and truly, and according to law, to conduct such election, to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes, and declare who is elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until

an election shall take place, and in the case of death, or resignation; or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

SECTION 6. The said president and managers shall meet ^{Meetings.} at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who, in the absence of the president, may ^{Quorum.} choose a chairman, and shall keep minutes of their transac- ^{Minutes.} tions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such ^{Powers.} surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all and such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

SECTION 7. The president and managers first chosen shall ^{Certificates} procure certificates of stock for all the shares of the said ^{of stock.} company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his ^{Of transfer.} pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every share assigned, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 8. If after thirty days notice in the public papers ^{Penalty for} aforesaid, of the time and place appointed for the payment of ^{neglecting} any proportion or instalment of the said capital stock, in order ^{to pay instal-}ments.

to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

Treasurer.

Official
bonds.

SECTION 9. The president and managers of said company shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them committed, respectively.

Dividends.

SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the president and managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said president and managers shall make any dividend which shall impair the capital stock of said institution, the president or managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend is made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No

Proviso.

dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock.

SECTION 11. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be; which abstract shall be verified by the oath or affirmation of the president of the company for the time being; and said company shall pay annually into the treasury of the commonwealth a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Abstract of accounts to be furnished to the Legislature.
Tax on dividends.

SECTION 12. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said railroad, beginning at or near the Pool at Athens village, Bradford county, and extending a northwardly course to the New York and Pennsylvania state line, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than three rods wide, and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state; which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all expenses incurred thereby shall be defrayed by the said company: *Provided*, The laying out and course of said road shall be best adapted to form a connexion with the contemplated railroad from Ithaca to the state line.

Route.
Map.
Proviso.

SECTION 13. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for and procuring stone and gravel for constructing said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same materials.

Authority to enter upon lands.
Damages for materials.

be ascertained, and the payment thereof secured, to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid.

SECTION 14. It shall and may be lawful for the company hereby incorporated to make, erect, or establish a double or single track railroad on the route laid out as aforesaid, and the said company are also hereby empowered to erect, make and establish all works, edifices and devices to such railroad as may by the said company be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad, works, devices and edifices.

SECTION 15. Whenever it shall be necessary for the president, managers and company of the said railroad company to enter in and upon and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs and charges of the said corporation, to appoint six disinterested men of said county, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid by reason of said railroad, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and

highways, to be paid by the said company, and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company and those who act under them shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment or tender of payment by the said company of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents, or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed. Proviso.
2d Proviso;

SECTION 16. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross Canals and or enter at the same, being now laid out or hereafter to be public roads. laid out, and in all places where the said railroad may cross or in any way interfere with any public road or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or traveling such canal or public road to cross and pass over or under the said railway, which bridge and causeway or causeways, shall be made and maintained by the said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper township, and if the said company shall refuse or neglect to make such bridge, causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of five dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company shall be as good and as available in law as if served upon the president thereof. Public
causeway.

SECTION 17. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of the said company, when required, to make or cause to be made a good and sufficient causeway or causeways wherever the same may be necessary to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway or causeways when so made, shall be maintained and kept in repair by said company, and if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate or any court having cognizance thereof, and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof: *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad passes from constructing a bridge or causeway or crossing place over or under said railroad in conformity with such as are usually made by said company.

SECTION 18. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 19. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary, for the purpose of transporting merchandise, stone, timber, produce or coal, upon the said railroad.

SECTION 20. On the completion of any part of the said road, or any portion of one track, not less than ten miles, ^{Tolls.} the same shall be esteemed a public highway for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls as they shall from time to time think reasonable: ^{Provided, That} ^{Proviso.} the toll on any species of property shall not exceed ten cents per ton per mile, and upon passengers more than four cents per mile, and the legislature reserves the right to reduce and regulate the tolls hereby authorized, and it shall be further lawful for the president and managers of the company to prescribe the kind of carriages, wagons, and conveyances which shall be used on the said railroad, for the transportation of persons and commodities.

SECTION 21. If any person or persons shall wilfully and ^{Penalty for} knowingly break, injure or destroy the railroad, or any part ^{injuring the} thereof, or any work, edifice, car, engine or other device, or work. any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof, by action of debt, in the name and for the use of said company, and shall be subject to indictment in any court of Quarter Sessions of the proper county, and upon conviction of such offence shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 22. If the president and managers of said company shall not proceed to carry on said work within five ^{Time for} years from the passage of this act, and shall not complete ^{commencing} the same as aforesaid, in ten years, according to the true intent ^{and comple-} and meaning of this act, or if after the completion of the ^{ting the} said railroad or any part thereof, the said corporation shall ^{work, &c.} suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 23. If any owner or driver of any car, carriage, ^{Penalty for} wagon, or conveyance upon the said railroad, shall pass by any ^{defrauding} place appointed for receiving tolls, without making payment ^{the Co.} thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars

may be sued for and recovered, together with the costs of suit.

SECTION 24. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines and other devices, it may be lawful for the said president, managers and company, at a stated or special meeting convened for that purpose, to increase the number of shares, so that the capital of said company shall not exceed seventy-five thousand dollars, and to receive and demand the money for shares so subscribed, in like manner and under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 25. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company and the railroad, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall be equal to the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 26. If the said company, in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved by an action of trespass on the case.

SECTION 27. Samuel Miller, Charles Edsell, Hiram B. Roberts, Joshua G. Spencer, Norman Wells, Seth Dagitt, Benjamin Bentley, William K. Mitchell, Jacob Prutsman, B. C. Wickham, Alva C. Bush, William Willard, Jonah Brewster, John W. Guernsey, Butler Smith, James Goodrich, Elijah Depuy, John W. Mayward, Thomas B. Depuy, E. W. Hazard, Asa Mann, Edwin B. Andres, Nathaniel Thompson, L. J. Nichols, James Kimball, John F. Donaldson, Job Geese, Robert G. White, Francis Wetherbee, or or any six of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of August next, procure a book or books, which shall be opened at some convenient place or places, as the commissioners may designate, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise

Capit'l stock
may be in-
creased.

The legisla-
ture may re-
sume the
rights & pri-
vileges
granted

Damages
for obstruct-
ing naviga-
ble streams.

Tioga and
Seely creek
Railroad Co.
Commiss'rs.

To procure
books.

to pay to the president and managers of the Tioga and Seely creek Railroad company, the sum of fifty dollars for each share of the stock set opposite to our respective names, in such manner, and in such proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act to incorporate the Tioga and Seely creek Railroad company: Witness our hands, this day of in the year of our Lord, one thousand eight hundred and ;” and shall thereupon give notice in one or more newspapers printed in the county of Tioga, and in the city of Philadelphia, three weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the names of any other persons who shall authorize the same, for shares in said stock, and the said books shall be kept open, respectively, for the space of six hours in every juridical day for the space of six days, or until there shall have been subscribed one thousand shares. and if at the expiration of six days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the books elsewhere at pleasure, until the whole number of one thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require. and when the whole number of shares shall be subscribed the books shall be closed, but no subscriptions shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.

Form of subscription.

Who may subscribe.

Number of shares.

\$5 on each share to be paid.

SECTION 28. When five hundred shares, or more, of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, and their successors, into a body politic and corporate, in deed and in law, by the name, style and title

Letters patent.

Name, style and title.	of The Tioga and Seely creek Railroad company, and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and real estate, personal and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper, and also
Privileges and franchises.	to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the
Seal.	affairs of the same: <i>Provided</i> , That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the making of the said railroad, and such cars, locomotives, fixtures and devices proper and convenient for facilitating traveling or transportation on the said railroad.
Proviso.	
Organization.	SECTION 29. The said named commissioners, or any six of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and nine managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 30. The stockholders shall meet on the first Monday in November, in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the twenty-ninth section of this act, who shall continue in office for one year and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter and repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act, and the number of votes each stockholder shall be entitled to shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: For each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or that of his wife, or for his or her sole use and benefit, or as an executor, or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the twenty-eighth section of this act: *And provided further*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election.

Powers.

Ratio of votes.

Proviso.

2d Proviso.

SECTION 31. The election of officers provided for in the thirtieth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge, or justice of the peace, well and truly, and according to law, to conduct such election to the best of their knowledge & abilities, and

Manner of conducting the elections, &c.

the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes and declare who is elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary, or other officers, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations until an election shall take place, and in the case of death or resignation, or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Meetings.

SECTION 32. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all and such other acts, matters and things, as by this act and by the by-laws and regulations of the company they are authorized to do.

Quorum.

Minutes.

Powers.

Certificates
of stock.

SECTION 33. The president and managers first chosen shall procure certificates of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all

Of transfer.

payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every share assigned shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due, or to become due on each share, as the original subscriber would have been.

SECTION 34. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid : *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Penalty for neglecting to pay instalments.

Proviso.

SECTION 35. The president and managers of said company shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any of them committed respectively.

Treasurer.

Official bonds.

SECTION 36. Dividends of so much of the profits of the institution as shall appear advisable to the president and managers, shall be declared at least twice a year in every year,

Dividends.

and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said president and managers shall make any dividend which shall impair the capital stock of said institution, the president or managers consenting thereto shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend is made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one-fourth of their capital stock.

Proviso.

Abstract of accounts to be furnished to the legislature.

Tax on dividends.

Route.

SECTION 37. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the Legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being, and said company shall pay annually into the treasury of the commonwealth a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

SECTION 38. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said railroad, with one or more tracks, beginning at the most eligible point in the village of Willardsburg, in the county of Tioga, to extend from thence to a point on the New York state line, where it may be convenient to connect with a railroad running from Elmira, in the state of New York, and to connect with such railroad and with the Willardsburg and Jersey Shore railroad, to connect with, intersect and cross the Tioga Navigation Company's railroad, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property, and the said road shall not be more than three rods wide; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of

the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all expenses incurred thereby shall be defrayed by the said company.

SECTION 39. It shall be lawful for the president, managers and company of the said railroad company and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for and procuring stone and gravel for constructing said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and the payment thereof secured to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid.

Authority to enter upon lands.

Damages for materials.

SECTION 40. It shall and may be lawful for the company hereby incorporated to make, erect, and establish a double or single track railroad, on the route laid out as aforesaid, and the said company are also hereby empowered to erect, make and establish all works, edifices and devices to such railroad, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad, work, devices & edifices.

Double or single track.

Works, edifices, &c.

SECTION 41. Whenever it shall be necessary for the president, managers and company of the said railroad company, to enter in and upon and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who, or a majority of whom, shall, under oath or affirmation, fairly & impartially estimate the same, and who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen

Mode of estimating damages.

shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs & charges of the said corporation, to appoint six disinterested men of said county, to view, examine, & survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by the said company, and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom, and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment, or tender of payment by the said company of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as herein before prescribed.

Proviso.

2d Proviso.

Canals and public roads not to be obstructed.

SECTION 42. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or traveling such canal

or public road, to cross and pass over or under the said rail-^{Public} way, which bridge and causeway or causeways, shall be made^{causeways.} and maintained by the said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper township, and if the said company shall refuse or neglect to make such bridge, causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of five dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company shall be as good & as available in law as if served upon the president thereof.

SECTION 43. For the accommodation of all persons owning^{Private} or possessing land through which the said railroad may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts, & implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway or causeways when so made, shall be maintained and kept in repair by said company; & if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and available in law as if^{Proviso.} served upon the president thereof: *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a bridge or causeway, or crossing place, over or under said railroad, in conformity with such as are usually made by said company.

SECTION 44. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under

Time when suits for penalties shall be commenced. this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Lateral rail-roads. SECTION 45. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary for the purpose of transporting merchandise, stone, timber, produce or coal upon the said railroad.

Tolls. SECTION 46. On the completion of any part of the said road, or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise & commodities, under such regulations as shall be prescribed by the managers, & it shall and may be lawful for the said company to demand & receive such sum or sums of money for tolls as they shall from time to time think reasonable, for travel & transportation, & transit over said road: *Provided*, That said tolls do not make the nett revenue & profits of the said company exceed fifteen per centum per annum on the capital expended: *And provided further*, That the legislature reserves the right to redeem & regulate the tolls hereby authorized.

Proviso. 2d Proviso. SECTION 47. If any person or persons shall wilfully & knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, car, engine, or other device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit & pay to the said company the actual damages so sustained, to be sued for & recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name & for the use of said company, and shall be subject to indictment in any court of Quarter Sessions of the proper county, & upon conviction of such offence, shall be punished by fine & imprisonment, at the discretion of the court.

Penalty for injuring the work. SECTION 48. If the president & managers of said company shall not proceed to carry on said work within five years from the passage of this act, & shall not complete the same as aforesaid, in ten years, according to the true intent & meaning of this act, or if after the completion of the said railroad, or any part thereof, the said corporation shall suffer the same to go to decay, and be impassable for

Time for commencing and completing the work.

the term of two years, then this charter shall become null & void, except so far as compels said company to make reparation for damages.

SECTION 49. If any owner or driver of any car, carriage, wagon or conveyance upon the said railroad, shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit & pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for & recovered by action of debt before any justice of the peace, in like manner, & subject to the same rules & regulations as debts under one hundred dollars may be sued for and recovered, together with the costs of suit.

SECTION 50. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines, & other devices, it may be lawful for the said president, managers and company, at a stated or special meeting convened for that purpose, to increase the number of shares, so that the capital of said company shall not exceed two hundred thousand dollars, & to receive & demand the money for shares so subscribed, in like manner, & under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 51. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all & singular the rights & privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company, and the railroad, with the appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall be equal to the cost & expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 52. If the said company, in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved by an action of trespass on the case.

SECTION 53. That John Wanner, David R. Hottenstein, Henry Lewars, Daniel B. Kutz, John Britenman, John Schenk, William Feather, David Fister, Samuel Fegely,

Hamburg,
Allentown,
Bethlehem
and Easton
Railroad
company.
Commiss'rs.

James Donagan, David Deischer, Charles J. Faber, Jacob Graeff, George Bieber, Benjamin Tyson, Daniel Young, Jacob Beihl, junr., Peter Klein, Isaac L. Bieber, Peter Fister, Daniel Bieber, William Hottenstein, Christian L. Schleman, Lloyd Wharton, Jonas Trexler, Samuel Lobach, Benjamin D. Long, John Jackson, Michael Hoffman, Jeremiah Schappel, George Weiler, Jacob Wagenhorst, and Col. John Miller of the county of Berks, Walter C. Livingston, Peter Newhardt, John Rice, Henry Ebner, John Wilson, Jacob Dillinger, Solomon Fogei, Samuel Marx, David Shall, Peter Breinig, Michael Reichardt, John Shifferstern, Henry Larash, Jacob Shantz and Samuel Gumphert, & Timothy Weiss, Charles Ritter, Charles T. Bush, Henry K. Hillman, George Haberkaker, Philip Pearson, & Charles Kreamer of the county of Lehigh, Thomas McKeen, Jacob Abel, Daniel Wagener, James M. Porter, Christian J. Hutter, Philip H. Matters, Peter Ihrie, Peter Miller, William Shouse, John Bowes, Charles W. Mixsell, Hopewell Hepburn, Michael Butz, John Davis, Andrew H. Reeder, Daniel W. Butz, George Hess, David Barnet, Melchior Horn, Charles Kitchen, George Barnet, M. Abraham Miller, James Thompson, John A. Innes, William Eichman, Lawrence Titus, Alexander E. Brown, William Green, Peter Nungesser, Samuel Davis, David Mixsell, David D. Wagener, Jacob Sheip, David Conner, Christopher Midler, Jacob Nolle, Owen Rice, George H. Goundie, Henry G. Guetter, Charles C. Tombler, Jacob Sheiner, Jacob Rice, George Oberly, Jacob Freeman, John Schreffes, Charles A. Luckinbach, J. T. Borheck of the county of Northampton, or any of them, be, & they

To procure
books.

Form of sub-
scription.

are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say : they shall, on or before the day of next, procure five books, one of which shall be opened at the house of John Bailey, in Hamburg, & one at the house of David Fister, in the borough of Kutztown, in the county of Berks; one at the house of Samuel Gumphert in the borough of Northampton, in the county of Lehigh; one at the house of Jacob Freeman in the town of Bethlehem, and one at the house of Conrad Heekman, in the borough of Easton, in the county of Northampton, in each of which said books they shall enter as follows: " We whose names are hereunto subscribed, promise to pay to the Hamburg, Allentown, Bethlehem and Easton Railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner, and in such proportions, & at such times as shall be determined by the president & managers of the said company, in pursuance of the act authorizing the Governor to incorporate

the Hamburg, Allentown, Bethlehem & Easton Railroad company: Witness our hands, the day of , one thousand eight hundred and thirty- ,” and shall thereupon give notice in one newspaper printed in the county of Berks, & one newspaper printed in the county of Lehigh, and one paper printed in the county of Northampton, two weeks at least, of the times & places when & where the said books shall be opened to receive subscriptions to the stock of the said company, at which times & places one or more of the said commissioners shall attend, ^{Who may subscribe.} & permit all persons of lawful age who shall offer to subscribe in their own names, or in the names of any other person or persons who shall authorize the same, for shares of the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in each ^{Number of shares.} juridical day for the space of three days, or until thirty thousand shares shall have been subscribed, and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, & transfer the book or books elsewhere, until the whole number of shares shall be subscribed, of which adjournment & transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall have been subscribed, then the books shall be ^{Proviso.} closed: *Provided*, That no person be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second day, after which any person may subscribe for any number of shares, until the whole of ^{2d Proviso.} the stock is taken: *And Provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the commissioners at the time of making the same, the sum of five dollars on each & every share, for the use of the company.

SECTION 54. When six thousand shares or more of the stock aforesaid shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands & seals, the names of the subscribers, and the number of shares subscribed by each, & the sums paid thereon, ^{Letters patent.} whereupon the Governor shall, by letters patent, under his hand & seal of the commonwealth, create and erect the subscribers, & if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic & corporate, in deed & in law, by the name, style & title of ^{Name, style and title.} The Hamburg, Allentown, Bethlehem & Easton Railroad company, & by the same name the subscribers shall have

- Privileges and franchises. perpetual succession, & be able to sue & be sued, implead & be impleaded, in all courts of record & elsewhere, & to purchase, receive, have, hold & enjoy, to them and their successors, lands, tenements & hereditaments, goods, chattels, & real estate, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien, or dispose of, & to make dividends of such portion of the profits as they may deem proper, & also to make & have a common seal, & the same to alter or renew at pleasure, and also to ordain, establish & put in execution such by-laws, ordinances & regulations, as shall appear necessary & convenient for the government of the said corporation, not being contrary to the constitution & laws of the United States or of this commonwealth, & generally to do all & singular the matters & things which to them it shall lawfully appertain to do for the well being of the said corporation, & the due management & ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the making of the said railroad, & such cars, locomotives, fixtures & devices proper & convenient for facilitating traveling or transportation on the said railroad.
- Seal.
- Proviso.
- Organization.
- SECTION 55. The said named commissioners, or any six of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, & to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained & bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president & nine managers, all of whom shall be residents of this commonwealth, a treasurer & secretary, & such other officers as shall be deemed necessary; that the president & managers aforesaid shall conduct the business of said company until like officers shall be chosen, & may make such by-laws, rules, orders & regulations as are not inconsistent with the constitution & laws of the United States or of this state, & that may be necessary for the well governing the affairs of the company.
- Annual election.
- SECTION 56. The stockholders shall meet on the first Monday in November, in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at

least twenty days, by the secretary, in the newspapers before mentioned, & choose by a majority of votes present, their officers for the ensuing year, as mentioned in the fifty-fifth section of this act, who shall continue in office for one year, & until others are chosen, & at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter & repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders & regulations as aforesaid, & to do & perform every other corporate act, and the number of votes each stockholder shall be entitled to, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two & not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely & bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right & for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, & not in trust for and to the use & benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the fifty-fourth section of this act: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

Powers.

Ratio of
votes.

Proviso.

2d Proviso.

SECTION 57. The election of officers provided for in the fifty-sixth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman, judge or justice of the peace, well and truly, and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes and declare who

Manner of
conducting
elections.

is elected, and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary and other officers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; and in the case of death or resignation, or removal from the state of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Meetings. SECTION 58. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all and such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

Certificates of stock. SECTION 59. The president and managers first chosen shall procure certificates of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee

holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every share assigned shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 60. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall forfeit to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and managers may at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, *Proviso...* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECTION 61. The president and managers of said company Treasurer. shall demand and require of and from the treasurer, and all and every officer and other person by them employed, bonds, Official in sufficient penalties, and with such securities as they shall bonds. by their rules, orders and regulations, require for the faithful discharge of the several duties and trusts to them or any of them committed respectively.

SECTION 62. Dividends of so much of the profits of the Dividends. institution as shall appear advisable to the president and

managers, shall be declared at least twice a year in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said president and managers shall make any dividend which shall impair the capital stock of said institution, the president or managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend is made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock.

SECTION 63. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being, and said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

SECTION 64. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark, and fix such route as they shall deem expedient for said railroad, beginning at the river Schuylkill, near Hamburg, passing to Kutztown in Berks county, to Allentown in Lehigh county, to Bethlehem in Northampton county, & terminating at the borough of Easton, on the Delaware river, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property, and the said road shall not be more than three rods wide; and the said president, managers and company, shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the

Abstract of
accounts to
be furnished
to the legis-
lature.

Tax on divi-
dends.

Route.

Map.

Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all expenses incurred thereby shall be defrayed by the said company : *Proviso.* *Provided,* That the said railroad shall not pass through any burying ground or place of public worship.

SECTION 65. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for the purpose of searching for, and procuring stone and gravel for constructing said road, but no stone, sand or gravel shall be taken from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained, and the payment thereof secured to the satisfaction of the owner, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which said road may be laid.

SECTION 66. It shall & may be lawful for the company hereby incorporated, to make, erect or establish, a single track railroad on the route laid out as aforesaid, and the said company are also hereby empowered to erect, make and establish all works, edifices and devices, to such railroad, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad, works, devices and edifices.

SECTION 67. Whenever it shall be necessary for the president or managers of the said railroad company, to enter upon and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made, for any injury or supposed injury that may be done to said land, by such entry and occupation, it shall & may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in the proper county where the land lies, & the expenses incurred by the said appraisers shall be defrayed by the said railroad company ; but if the parties cannot agree upon such persons, or if the persons so chosen

shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs and charges of the said corporation, to appoint six disinterested men of said county to view, examine, and survey the said lands, tenements or hereditament, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by the said company, and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad : *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom, and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury : *Provided further*, That upon payment, or tender of payment by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding as herein before prescribed.

Proviso.

2d Proviso.

Canals and
public roads
not to be ob-
structed.

SECTION 68. The said railroad shall be so constructed by the said company as not to obstruct or impede free use or passage of any canal, public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out, & in all places where the said railroad may cross, or in any way interfere with any public road or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to

enable all persons passing or traveling such canal or public road, to cross and pass over or under the said railroad, which bridge & causeway or causeways, shall be made & maintained by the said company, & the sufficiency of the same ^{Public} shall be judged by the supervisor or supervisors of the proper ^{causeways.} township, & if the said company shall refuse or neglect to make such bridge, causeway or causeways, or when made to keep the same in repair, they shall be liable to pay a penalty of five dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, & shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby, & the service of process upon any officer or agent of said company, shall be as good & as available in law as if served upon the president thereof.

SECTION 69. For the accommodation of all persons owning or possessing land through which the said railroad may ^{Private} or shall pass, & to prevent inconveniencies to such persons in ^{causeways.} crossing or passing the same, it shall be the duty of the said company, when required, to make or cause to be made, a good & sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts, & implements of husbandry, as occasion may require : *Provided*, That the said company shall ^{Proviso.} in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway or causeways, when so made, shall be maintained & kept in repair by said company, & if said company shall refuse or neglect, to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for & recovered before any magistrate, or any court having cognizance thereof, & the service of process upon any officer or agent of said company, shall be as good & available in law as if served upon the president thereof : 2d. ^{Proviso.} *Provided*, That this act shall not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a bridge, or causeway or crossing place, over or under said railroad, in conformity with such as are usually made by said company.

Time when suits for penalties shall be commenced. SECTION 70. No suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suits or actions may plead the general issue. & give this act & the special matter in evidence, & that the same was done in pursuance & by authority of this act.

Lateral rail-roads. SECTION 71. The company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or adjacent thereto, making such lateral railroads, & to connect them with the said railroad from their said lands, as the said person or persons may conceive necessary, for the purpose of transporting merchandise, stone, timber, produce or coal, upon the said railroad.

Tolls. SECTION 72. On the completion of any part of the said road, or any portion of one track, not less than ten miles, the same shall be esteemed a public highway for the conveyance of passengers, merchandise & commodities, under such regulations as shall be prescribed by the managers, & it shall and may be lawful for the said company to demand & receive such sum or sums of money for tolls, as they shall from time to time think reasonable: *Provided*, the same does not exceed on any species of property the sum of ten cents per mile per ton, & not more than four cents per mile upon passengers, & the legislature reserves the right to reduce & regulate the tolls hereby authorized, & the company shall & may prescribe the kinds of carriages, wagons, & conveyances, which shall be used on the railroad for the transportation of persons and commodities.

Penalty for injuring the work. SECTION 73. If any person or persons shall wilfully & knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, car, engine or other device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit & pay to the said company the actual damages so sustained, to be sued for & recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name & for the use of said company, & shall be subject to indictment in any court of Quarter Sessions of the proper county, & upon conviction of such offence shall be punished by fine & imprisonment, at the discretion of the court.

Time for commencing and completing the work. SECTION 74. If the president and managers of said company shall not proceed to carry on said work within five years from the passage of this act, and shall not complete as aforesaid, in ten years, according to the true intent and

meaning of this act ; or if after the completion of the said railroad, or any part thereof, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 75. If any owner or driver of any car, carriage, wagon or conveyance upon the said railroad, shall pass by any defrauding place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit any pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with the costs of suit.

SECTION 76. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, cars, engines and other devices, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for that purpose, to increase the number of shares, so that the capital of said company shall not exceed two millions of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 77. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company, and the railroad, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall be equal to the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 78. If the said company in the construction of the said road, or in any other manner, by themselves, their agents or contractors, shall obstruct or impede the navigation of any navigable stream, the said company shall pay any damages which may be occasioned to any individual or individuals by such obstruction, or by so impeding the said navigation, which damages shall be recovered by the party aggrieved, by an action of trespass on the case.

SECTION 79. That John Forster, Henry Walters, Henry Antes, George W. Harris, John C. Bucher, Owen M'Cabe,

Railway
from North
street, Sus-
quehanna
t—p. to Mar-
ket street,
Harrisburg,
authorized
Proviso.

Henry M'Kinney, John Lyne, Andrew Miller, Frederick Kelker, Jacob M. Haldeman, and Michael Burke of the county of Dauphin, or any three of them, be, and they are hereby authorized and empowered to construct a railway, commencing at or near North street, in Susquehanna township, and intersecting the Harrisburg and Lancaster Railroad where it now terminates, at the south side of Market street, Harrisburg: *Provided*, That the aforesaid persons, or any three of them who act in said matter, first obtain the consent of the owners of any land upon which the said railroad may be located; and if they cannot obtain the consent of the owners and occupiers of said land, then the aforesaid persons, or any three of them who act in said matter, shall pursue the same course to obtain possession of the land for the location of said road that the Portsmouth and Lancaster Railroad company are required and directed to pursue by the act of ninth of June, eighteen hundred and thirty-two; that in the location, construction and maintaining the railroad hereby authorized, all such provisions of the act of the ninth of June, eighteen hundred and thirty-two, as aforesaid, as are applicable to the location, construction and maintenance of the railroad hereby authorized, be, and the same are hereby extended to the same, as fully and effectually as if they were herein enacted at length: *Provided*, They shall not at any time enter upon any lands for the purpose of commencing operations in the construction of the said road, or any part thereof, without having first obtained the consent of the owner or owners thereto, nor until the rate of compensation for injury sustained, or to be sustained, by reason of the construction of the said railroad, or any part thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the same manner as is prescribed and provided for in the seventy-ninth section of an act authorizing the Governor to incorporate the Strasburg Railroad, the Williamsport and Elmira Railroad, the Marietta & Columbia Railroad, the Portsmouth and Lancaster Railroad, and incorporating a company to make the Oxford Railroad: *Provided*, That the said company shall have authority to enter upon any lands for the purpose of exploring, examining, surveying and locating the route of the said railroad, doing thereto no unnecessary damage: *And provided further*, That if the Harrisburg and Sunbury Railroad company should be incorporated, and should proceed and construct a railroad from Harrisburg to Sunbury, that they, the aforesaid persons,

2d Proviso.

3d Proviso.

4th Proviso.

or any three of them who act in said matter, do transfer and set over to the said Harrisburg and Sunbury Railroad company, all their right, title and interest in and to the said road hereby authorized to be constructed by them, with the appurtenances, the said Harrisburg and Sunbury Railroad company paying to them the reasonable costs and expenses of making said railroad.

SECTION 80. That the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad company, shall have authority to create an additional number of shares of stock, to the amount of four hundred thousand dollars, for the purpose of completing said road, and of adding an additional track, and shall have authority to negotiate a loan or loans, by pledging their capital stock, or the tolls and profits of the company, or in such way or manner as a meeting of the stockholders shall determine.

Harrisburg,
Portsmouth,
Mountjoy &
Lancaster
Railroad Co.
authorized
to increase
capital stock
Loan.

SECTION 81. The period heretofore granted to the Mount Carbon Railroad company for the completion of their road, according to the twelfth section of the act incorporating said company, be, and the same is hereby extended until the first day of April, Anno Domini one thousand eight hundred and forty-eight, and that so much of the act aforesaid as is hereby altered, be, and the same is hereby repealed.

Mount Car-
bon Railroad
Co.
Time for
completion
extended.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 34.

A Supplement

To the act entitled An act authorizing the Governor to incorporate a company for erecting a bridge over the Schuylkill river at Matson's ford, in the county of Montgomery, passed the seventh day of May, one thousand eight hundred and thirty-two, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement, which authorizes the Governor to incorporate a company

Time for building bridge over Schuylkill at Matson's ford extended. for erecting a bridge over the river Schuylkill at Matson's ford, be and the same is hereby revived and re-enacted, and the said company is hereby allowed the further period of five years from the passing of this act, for commencing and completing the said bridge, anything in the said act contained to the contrary notwithstanding.

SECTION 2. Bethel Moore, William Davis, Robert T. Potts, William Moore, Joseph Crawford, (Lower Merion,) William B. Thomas, Charles Heebner, Isaac Dehaven, and James Wells, or any three of them, are hereby appointed commissioners to carry the said act into effect, in the room of Nathaniel M. Learnerd and Peter Dager, deceased.

SECTION 3. That when fifteen or more persons shall subscribe for one hundred and fifty shares of the stock of the aforesaid company, it shall be the duty of the Governor to issue his letters patent agreeably to the provisions of the act to which this is a supplement, and so soon as the piers and abutments of said bridge are completed, it shall be the duty of the Governor to subscribe on behalf of the commonwealth for one hundred and twenty shares of the stock of said company for erecting a permanent bridge over the river Schuylkill at Matson's ford, which said amount of stock, so subscribed, shall be paid by warrants drawn by the Governor on the Treasurer, in the usual manner, and for that purpose the Governor is hereby authorized to cause to be sold and transferred the stock held by the commonwealth in the stock of the company for erecting a permanent bridge over the river Schuylkill, opposite De Kalb street, in the borough of Norristown: *Provided*, That the subscriptions and payments authorized to be made by this act, shall, for every share subscribed and paid, vest in the commonwealth all the rights and emoluments appertaining to a share or shares held by individual stockholders: *And provided*, The said stock shall not be sold below par.

SECTION 4. That there shall be kept and holden in the city of Philadelphia, a Court of Record, to be composed of three Judges, learned in the law, one clerk, and such other officers as belong to the courts of Quarter Sessions of this Commonwealth, the name and style whereof shall be, the Court of Criminal Sessions for the city and county of Philadelphia. The said court shall have a seal, with the arms of the Commonwealth engraved thereon.

SECTION 5. The Governor shall appoint one of the said judges to be president, and two to be associate judges of the said court, who shall hold their office during good behaviour; and whose salaries shall be the same for each of them, as the salary of the president of the court of Common Pleas for the county of Philadelphia, for the time being.

SECTION 6. The said judges shall severally be ex-officio justices of the peace, within the city and county of Philadelphia, and visitors of the prisons within the same, and have the same power and authority to issue writs of habeas corpus, and exercise jurisdiction therein, as the judges of the Supreme Court have in the same; they shall have the power to take acknowledgments or probate of all deeds, conveyances, mortgages or other instruments, as the judges of the Supreme Court now have, and with like effect, and shall also have all the powers and jurisdictions which any judge of any court of Quarter Sessions now has, or may hereafter have given to him by law. Powers of judges.

SECTION 7. Either of the said judges shall have power to hold the said court for jury trials, and have jurisdiction in all matters incident thereto, and for the purpose of receiving and granting motions, and making rules and orders that may be necessary, and also, unless the parties, or either of them, shall request the presence of another judge, for the transaction of any business of the court; but when either party shall desire it in the case last mentioned, and in passing sentences, there shall be at least two judges present in order to transact such business. Two judges to be present if requested by a party in court.

SECTION 8. The said court so constituted shall have all the powers and exclusive jurisdiction within the city and county of Philadelphia, which is now exercised by the Mayor's Court for the city of Philadelphia, within the said city, and all the jurisdiction within the said city and county which courts of Quarter Sessions now have or may hereafter have under the acts relating to roads, highways and bridges; and also the power of appointing three additional inspectors of the Philadelphia county prison. Powers of the court.

SECTION 9. The said court shall sit monthly, each session to commence on the first Monday of every month, which shall be a general return day; all writs and process shall be tested in the name of the president of the said court. General return day, &c.

SECTION 10. The grand and petit jurors shall be selected from among the qualified citizens of the said city and county, and their names kept in two wheels, one for the grand and one for the petit jurors, and grand and petit juries for each session shall be drawn and summoned as is now directed by law for the Major's Court for the city of Philadelphia: *Provided*, That the venire need not be issued more than fifteen days, nor the jurors summoned more than ten days before the meeting of the court, and the jurors shall not be compelled to serve more than one month in any one year, unless to finish a case commenced within the month. Selection of jurors.

SECTION 11. The court hereby created shall hold its first session on the first Monday of April, eighteen hundred Proviso.

First session.

and thirty eight, and from thenceforth all laws and acts of assembly giving jurisdiction to the court of Quarter Sessions of the county of Philadelphia, and all laws and acts of assembly creating or giving jurisdiction to the Mayor's Court for the city of Philadelphia, and the Recorder's Court for the Northern Liberties, Kensington, and Spring Garden districts, and all other acts of assembly shall be, and they are hereby repealed, so far as they are inconsistent with this act.

Of the
clerk.

SECTION 12. The clerk of the Court of Quarter Sessions of the peace for the county of Philadelphia, shall be ex-officio clerk for the said court, who shall receive the same fees and compensation to which the clerks of the Courts of Quarter Sessions are entitled, and be required to perform the duties, and liable to the same penalties to which such clerks are liable.

Duty of
constables
& other offi-
cers.

SECTION 13. It shall be the duty of all constables and other officers who are required by law to execute the process of, make returns to, and attend upon the Court of Quarter Sessions of the county of Philadelphia, and the said Mayor's Court & Recorder's Court, to execute the process of the court hereby created, and to make returns to, and attend upon the same, in the same manner that they are bound to execute, make returns to, and attend upon the said courts, or either of them, and they shall be allowed the same compensation for their services.

Of unfinish-
ed business
in the court
of Q. Ses.,
Mayor's
court, and
Recorder's
court.

SECTION 14. All bills, indictments, records and proceedings which shall be unfinished when the court hereby created shall go into operation, in the Court of Quarter Sessions of the county of Philadelphia, aforesaid, and the said Mayor's Court and Recorder's Court, shall be certified to the Sessions Court for the city and county of Philadelphia, and the said court shall proceed therein as if the said proceedings had been commenced in the same, & render judgment, sentence or decree thereon, and issue all process necessary to enforce the same.

Duty of the
keepers of
the prison.

SECTION 15. Whenever any alderman or justice of the peace shall have committed any person to any prison within the city and county of Philadelphia, charged with any crime, misdemeanor or offence, it shall be the duty of the keepers of such prison to place the name of such person so committed on a calender, to be made as directed in other cases, and to bring the prisoner with the calender, which shall have the same effect as a writ of habeas corpus, before one of the judges of the said court, on the Monday of every week, or oftener if required by either of the judges of the said Sessions Court, who shall act thereupon as if the prisoner had been brought before him by a writ of habeas corpus.

SECTION 16. The grand juries for the months of January,

April, July and October in every year, shall visit all the prisons within the city and county of Philadelphia, except Duty of the Eastern Penitentiary, and they shall visit them at other grand juries. times if the judges shall require the same.

SECTION 17. The expenses of the said Sessions Court shall be paid as the expenses of the Criminal courts of the city and county of Philadelphia are now paid. Expenses of the court, how paid.

SECTION 18. All the necessary records of said Mayor's Court, Recorder's Court, and court of Quarter Sessions of the county of Philadelphia, shall be delivered to the clerk of the Sessions Court aforesaid, to be retained and kept in his office, and they shall be considered as if the same had originated in the said Sessions Court. Of the record of the criminal courts.

SECTION 19. That all applications for tavern licenses in the city and county of Philadelphia, shall be approved by a majority of the judges of the court of Quarter Sessions for the city and county of Philadelphia, who shall thereupon, if they think proper, grant the same, under the restrictions and conditions now imposed by law; and nothing in this act shall be so construed as to give to the court hereby created any power to grant tavern licenses, but exclusive jurisdiction in granting such licenses in and for the city and county of Philadelphia, is hereby given to the court of Quarter Sessions of the county of Philadelphia. Tavern licenses.

SECTION 20. Courts of Oyer and Terminer and General Jail delivery for the city and county of Philadelphia, shall be held by the judges of the court of Common Pleas, (the president being one,) from time to time, as the emergencies may require, and as they shall appoint, in pursuance of precepts by them previously issued for that purpose, in the mode either practised and allowed in this commonwealth, and so much of any law as requires such courts to be held by the said justices, be and the same is hereby repealed, and it shall be the duty of the Sheriff and county commissioners to draw petit jurors for the court of Oyer and Terminer of the city and county of Philadelphia, from the same wheel from which the grand jurors for the said court are drawn. Courts of Oyer & Terminer &c. in Philada. city and county.

SECTION 21. The power is hereby reserved at any time to abolish the court by this act created, whenever it shall be found to be injurious or inconsistent with public justice or the interests of the community. The power to abolish the court is reserved.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 35.

An Act

To incorporate the Monument Cemetery of Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Tryon, Jacob F.

Corporators.

Hœckley, John A. Elkinton, Jacob Gilliams, Joseph Plankinton, Nathan R. Potts, Robert C. Martin, Joseph Sharp, John L. Wolf, Jonathan Coffee, George H. Burgin, Isaac Mayer, John Lindsay, Thomas F. Goodwin, and James Hunt, their associates, and all and every the persons who now are, or may hereafter become members of the association styled the Monument Cemetery of Philadelphia, and

Name, style, and title.

their successors, shall be, and they are hereby created and declared a body corporate, by the name and style of the Monument Cemetery of Philadelphia, and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded in any court of law or elsewhere, to ordain, pass and put into execution all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States and of this commonwealth, or to this act, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.

Powers and privileges.

Object of the corporation.

SECTION 2. The object for which this corporation is created is to establish a cemetery or burial place for deceased human bodies, beyond the thickly populated portion of the city & districts, being in a lot of ground situate on the west side of Broad street and south-east side of Turner's lane, in South Penn township, in the county of Philadelphia, containing about twenty acres, which is now laid out in small lots for the purposes of interment, and such other adjoining property as the association may hereafter purchase and appropriate for the same purpose, not exceeding in the whole thirty acres.

Managers.

SECTION 3. The affairs of the association shall be under the control of fifteen managers, to be elected from among

and by the members, in such manner and at such times as the by-laws made in pursuance of this act shall specify, but no election for managers shall take place before the first Monday of May next ensuing, and the fifteen persons named in the first section of this act shall be managers until the first Monday of May aforesaid, and till others shall be elected.

SECTION 4. That so much of the street proposed to be laid out in the plan of the district which corresponds with Washington Avenue, on the plan of this cemetery, be, and the same is hereby vacated, and shall not be opened through the grounds of the cemetery, from Broad street to Schuylkill Seventh street, nor shall any roads, streets, lanes or alleys, after the passage of this act, be opened through the lands of the cemetery, except those laid out and corresponding with the survey of the district now being made.

Relative to
vacating,
opening and
not opening
certain str^t.

SECTION 5. That Robert Coburn, Joseph C. Burden, John White, James McCormack, John R. Walker, William A. Martin, J. B. Sutherland, and their associates, members of the association styled the Lafayette Cemetery Society of Philadelphia, and their successors, shall be, and are hereby created a body corporate, by the name and style of the Lafayette Cemetery, and shall be entitled to all the powers and privileges, and subject to all the restrictions contained in the preceding sections of this act, respecting the Monument Cemetery of Philadelphia, and said corporation shall be governed by ten directors, and shall locate the cemetery south of Cedar street, in the county of Philadelphia.

Corporators
of the Lafay-
ette Ceme-
tery of Phil.

Name, style
and title.

Powers and
privileges.

SECTION 6. That the twenty-sixth section of an act passed the twenty-ninth day of January, one thousand eight hundred and eighteen, entitled An act for the establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes, be, and the same is hereby extended to all burial grounds and cemeteries in the city and county of Philadelphia.

Health office
29th sect. of
act of 1818,
relative to
burying
grounds and
cemeteries.

SECTION 7. That Elizabeth street, in the city of Philadelphia, be, and the same is hereby extended in width from the north line thereof to Portland Lane, and from the south line thereof to Middle Alley: *Provided*, That the same shall not be actually extended until the damages which may be sustained by any owner or owners of any land, house, houses or other property over which the same may pass shall have been fully paid.

Wm. Penn
Market Co.
incorporated

SECTION 8. That John Moss, George H. Burgin, Henry M. Zollickoffer, Nathaniel Chauncey, George W. South, J. C. Montgomery, William Chambers, A. S. Vanhorn, Isaac

Corporators.

Name, style and title.	Myers, Charles Robb, William Wheelan, Blakely Sharpless, Lloyd Mifflin, James Redman, Thomas Clark, C. F. Hœckley, George L. Ashmead, William West, James Mitchell, Oliver Evans, George Griscom, George Wevill, Robert P. Phillips, William F. Pitfield, N. Hicks Graham, and such other persons as now are or hereafter may be associated with them, for the purposes hereinafter mentioned, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the William Penn Market company, and by the same name shall have perpetual succession, and shall be able to sue and be sued,
Powers.	implead and be impleaded, and shall have full power and authority, to them and to their successors, to erect on the space between Middle Alley and Portland Lane, and Sixth and Seventh streets, in the city of Philadelphia, a market house or houses, the same in character, and for the same intentions and purposes, and to offer the same accommodations as the market houses now erected in the city and county of Philadelphia, and to build and construct cellars under the same, for the use of the occupiers of the said market houses, and for the use of those who might think proper to occupy the same as stores or shops, in the pursuit of any reputable trade or business; and the said company shall have power to erect on the said space, if a majority of the stockholders should think proper, a building, to contain at least four rooms, one of which might be used as a reading room, for the accommodation of farmers and others who might frequent and occupy the said market houses; another of which might be used for the collection of minerals, and other fossil bodies, which might be brought by farmers and others from different quarters of the country; another of which might be used as a general library and reading room, and another of which might be used as a place of meeting for the said company, and for other meetings; and also to take, hold and enjoy, to them and to their successors, all such personal property as may be necessary for the purposes in this act mentioned.
Powers. Seal.	SECTION 9. The said company shall have power to make and use a common seal, and the same alter and renew at pleasure, to ordain, establish and put in operation such by-laws, rules and regulations as shall appear most convenient for the government of said corporation, not being contrary to the constitution and laws of this state or of the United States, and to do all the matters and things which shall lawfully appertain to the well being of the said corporation, and the managing and ordering its affairs; the capital stock of the said company shall not exceed four hundred thousand
Capital stock.	

dollars, divided into shares of fifty dollars each, that the said Banking & Co. corporation shall not, directly or indirectly, engage in any prohibited banking, commercial, manufacturing or mining concern, nor be concerned in any business that is not necessarily connected with the beginning and carrying on the operations of the company.

SECTION 10. The affairs of the company shall be managed Affairs of the by thirteen directors, to be chosen by a majority of the stock-Comp., how holders, within sixty days after the passage of this bill, who managed. shall choose, by ballot, one of their number for president, and in case of the removal of the president or any of the directors, by death, resignation or any other cause, the vacancy may be supplied by the board of directors, for the remainder of the term only for which such president and director shall have been chosen; the directors shall be elected on the first Monday in January, in each and every year Annual elec- after the first election, by a majority of the votes of the stock-tion. holders, which directors shall serve for one year next ensuing their election, ten days notice being given in one or more newspapers, of the time and place at which such election will take place; the number of votes that each stock-Ratio of holder shall be entitled to, shall be one vote for each and votes. every share of the stock he, she or they may hold: *Provided*, Proviso. That no stockholder, in his own name or by proxy, shall be entitled to have more than ten votes, whatever number of shares he may be entitled to, and that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting, and if after thirty days notice in the public papers as aforesaid, of the time and place by Penalty for them appointed for the payment of any proportion or instal- neglecting nent of said capital stock, any stockholder shall neglect to to pay instal- pay such proportion or instalment at the place appointed, for ments. the space of thirty days after the time of such appointment, the amount or amounts previously paid shall be forfeited to the company, and said stock may be sold to any person or persons willing to purchase the same, for such price as can be obtained; the board of directors, of whom a majority shall form a quorum, shall have power to appoint a treasurer, Quorum. other officers and agents, and to employ workmen, allowing Treasurer to them such compensation as they deem sufficient; they shall also have power to declare dividends semi-annually, of such Dividends. a proportion of the profits of the company as they may deem

advisable, to be paid to the stockholders or their legal representatives.

Of transfer. SECTION 11. The stock of the company shall be assignable and transferable according to such rules as the board of directors may establish, and whenever the nett profits of the said corporation shall exceed twelve per cent. per annum on the capital stock paid in, then one half of the said surplus shall be paid into the state treasury for the purposes of education.

Surplus.

Duties and powers of company.

SECTION 12. The said company shall be bound to keep the said market houses and cellars free from all impurity, and the same shall be also, in this respect, and in relation to weights and measures, and the soundness of provisions, under the control and supervision of the proper municipal authorities of the city of Philadelphia, and the said company shall have full power and authority to rent and hire out the stalls and other places of accommodation in said market houses, and the said cellars, and to receive the rent arising therefrom, and all other the income which may be derived from the same: *Provided*, That if at any time after the passage of this act, should the corporation of the city of Philadelphia desire it, and should the majority of the stockholders of the said company agree thereto, then the said corporation of the city of Philadelphia shall have power to take the said stock, upon paying to the said company the par value of the said stock, together with six per cent. interest on the same from its first investment, but if the dividends which may have been received on said stock shall be equal to or amount to more than the said six per cent. from the time of investment as aforesaid, then the six per cent. interest is not to be paid: *And provided also*, That the said corporation of the city of Philadelphia shall have the privilege, at any time after the expiration of twenty-five years from the passage of this act, whether the said company shall agree or not, to take the said stock upon the terms aforesaid.

Proviso.

2d. Proviso.

Damages, how assessed

SECTION 13. The damages which may be sustained by any owner or owners of land, house, houses or other property, in consequence of the same being taken, used, and appropriated for the purposes aforesaid, shall be assessed in the same mode and manner, and under the same rules and regulations, as damages sustained in consequence of opening streets in the city of Philadelphia are now assessed, and the same when assessed, shall be paid out of the joint funds of the said company, and when the said damages shall have been fully paid as aforesaid, the said Elizabeth street, widened as aforesaid, shall be vacated, and the space of ground between Middle alley, and Portland lane and Sixth and

Seventh streets, shall be vested, taken, held, and enjoyed by the said stockholders and their successors : *Provided*, Proviso. That the same shall always be kept as a market place for the accommodation of the public, and for other purposes as aforesaid : *And provided also*, That the corporation of the city of Philadelphia shall have power to take the said stock, 2d Proviso. in the manner and under the terms in this act hereinbefore mentioned.

SECTION 14. If the said company shall at any time here- Rights gran- after misuse or abuse any of the chartered privileges hereby ted may be granted, the legislature may at any time resume all and sin- resumed. gular the rights, liberties, privileges and franchises hereby granted to the said company.

SECTION 15. That Richard Peltz, James McCormack, Smithfield William G. Alexander, John R. Walker, John White, Market Co. Thomas W. Walter, William A. Martin, Robert T. Con- incorporated rad, Robert O'Neill, John Hemphill, Joseph B. Smith, and their associates, be, and they are hereby created a body po- Name and litic and corporate, in deed and in law, by the name and style. style of the Smithfield Market company; the said company may purchase and hold real estate to the amount of fifty Powers. thousand dollars, and may expend the sum of one hundred thousand dollars in erecting the necessary buildings and enclosures thereon; and for the purpose of raising the funds, regulating the market, and carrying into effect the objects of this section. the company may enact such regulations for Stock. the market, and may also create a stock, and divide the same into shares of fifty dollars each; and may make such by-laws and regulations as are not inconsistent with the constitution and laws of the United States and of this state : Proviso. *Provided*, That nothing herein contained shall authorize said company to engage in any banking or other business, Banking, &c. except that of establishing and keeping an agricultural prohibited. market.

SECTION 16. That the town of Schellsburg, in the county Schell-burg, of Bedford, shall be, and the same is hereby erected into a in Bedford borough, which shall be called Schellsburg, and shall be co. erected comprised within the following boundaries, to wit : begin- into a bo- ning at a post standing in Peter Schell's meadow, thence rough. south eighty-nine degrees west one hundred and seventy-five perches to a post in George Colvin's field, thence north one degree west fifty-nine perches to a post, thence north eighty-nine degrees east one hundred and seventy-five perches to a post, thence one degree east fifty-nine perches to the place of beginning, including the whole town of Schellsburg.

SECTION 17. It shall and may be lawful for all persons

Election of
Burgess &
Council.

Manner of
conducting
the election.

Vacancies.

entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the brick school house on the third Friday of March in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the Burgess of the said borough, and five citizens residing therein, who shall be a Town Council, but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties and mal-practices as by the said law is imposed, and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of the said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspector and clerks, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, and in case of death, resignation, removal, or refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then, and any of the members of the town council shall advertise and hold an election, in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in said borough.

SECTION 18. From and after the third Friday of March next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, in law, by the name and style of the Burgess

and Council of Schellsburg, and shall have perpetual succession, and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of one thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the same name and style aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, the same from time to time, at their will, to change and alter.

Name and
style.

Powers.

Seal.

SECTION 19. If any person an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of ten dollars, and if any other person, duly qualified as aforesaid, shall be duly elected to any other office in said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars, which fines, forfeitures, and all others in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of three years, and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of Common Pleas, upon giving security, according to law, to prosecute his or their appeal with effect, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Penalty for
refusing to
serve.

Proviso.

SECTION 20. The burgess shall take and subscribe an oath or affirmation, before one of the associate judges or justice of the peace for the county of Bedford, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of the burgess of the borough of Schellsburg, and when so qualified, he shall administer an oath or affirmation to the council, high constable or town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

Officers
sworn.

Meeting of Council. **SECTION 21.** The town council may meet by their own authority as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations, and ordinances as shall be determined on by a majority of the whole council necessary to promote the peace, good order, and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares, and common ground belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew, as the occasion may require, and also to assess, levy, and collect a tax for said purposes, and also annually to appoint a town clerk, treasurer, street commissioner, overseer of the poor, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough : *Provided*, That the said ordinances, rules and regulations, shall not be repugnant to the constitution or laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough by writing, under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly, and all taxes which may be assessed or laid in their said borough, shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Powers. **SECTION 22.** It shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him, by virtue of this act or of the acts of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Proviso. **SECTION 23.** The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor, of all monies, books, and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

2d Proviso. **SECTION 24.** The street commissioners, treasurers, constable, and overseer of the poor, as well as all other officers who may be appointed by the corporation or council, shall

Duty of town clerk.

Treasurer.

Accounts.

render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

SECTION 25. It shall be the duty of the high constable to ^{Notice of} give notice of the election, by setting up advertisements in ^{election.} three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time, and in the manner directed by this act.

SECTION 26. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Schellsburg, at the same time and place where ^{Election of} they vote for said officers, to elect two reputable citizens of ^{borough con-} the said borough, and return the names of the persons so ^{stable.} elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed concerning borough constables within this commonwealth, and the constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough, and the said constable of the borough of Schellsburg shall have, exercise and possess, ^{Powers} within the said borough and township of Napier, all the ^{and duties.} powers and duties of the constables elected in the several townships in the said county of Bedford, and before he shall enter upon the duties of his office, shall take and subscribe the same oath as other constables, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount, with at least one sufficient surety, to be approved of by the court of Quarter Sessions of said county, in the same manner as now, with reference to the several constables of the several counties within the commonwealth, and for the same uses and trusts to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; the said court shall have the same power to appoint ^{Vacancies.} another person, as the court of Quarter Sessions in the several counties in this commonwealth have and possess, by law, to appoint a constable in any of the townships in the several counties of this commonwealth.

SECTION 27. The burgess, president of the council and Court of appeal, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they

shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice, in the usual manner, at least ten days before the day of appeal, and where the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies, by the laws of this commonwealth, and the amount so collected shall be paid into the treasury for the use of the corporation.

Absence of
burgess the
council to
act.

SECTION 28. In the absence from the borough or inability of the burgess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

Quorum.

SECTION 29. In any meeting of the burgess and town council, it shall require at least three to form a quorum to transact business.

Time, place,
and manner
of holding
first election

SECTION 30. Benjamin Blymyer, and John Geerlinger, of said town, or either of them, shall publish and superintend the first election for borough officers, to be held on Friday the twenty-first day of April next after the passage of this act, at the place appointed by law for holding the annual elections for said borough, and they are hereby directed to give five days notice, by advertisement, as before directed in other cases of elections, of the time and place of holding the same.

Justices of
the peace of
the borough
of Towanda,
Bradford Co.
to have juris-
diction
therein.

SECTION 31. That no justice of the peace residing within the bounds of the borough of Towanda, in Bradford county, otherwise, by the laws of this commonwealth, qualified and authorized to hear and determine any action for the recovery of any debt or sums of money due to the said borough, or for the recovery of any damages accruing to said borough by reason of any injury done, committed, or suffered to any of the real or personal property of said borough, shall be disqualified to hear, judge, and determine the same, by reason of the interest he may have as a member of said borough or corporation, in the monies so to be recovered, but shall have as full, perfect and complete jurisdiction respecting the same as if he had no such interest in the same.

Residents
may give
testimony.

SECTION 32. No person, otherwise competent to give testimony in any action brought to recover money due or damages accruing to said borough, shall be excluded from giving

testimony in said action or actions, by reason that the money so to be recovered is or may be appropriated in aid of the funds of said borough or corporation, but every such person otherwise competent, shall be admitted to give testimony as fully as though he or she were not resident within the bounds, nor a partaker in the interests of said borough.

SECTION 33. That the line of the borough of Lewisburg, in Union county, be and the same is hereby so altered as to exclude from the limits of the said borough the lot of land belonging to Jacob and Catharine Spittler, situated on the southern side of the said borough, containing about ten acres, and the said lot of land is hereby attached to East Buffalo township, in the said county.

SECTION 34. That the capital stock of the company hereinafter named, shall not exceed one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and in order to receive subscriptions for the same, Frederick Brown, Frederick A. Rayhold, Townsend Sharpless, Eli Kirk, George W. Carpenter, Samuel Lewis, Parsey Oakford, Henry M. Philips, James Ronaldson, James Campbell, George Fox, Franklin Vansant, Thomas D. Grover, Charles M. Stokes, Charles Hyneman, James Goodman, Jacob Shearer, John Thompson, jr., William J. Reed, James Eneu, jr. Dr. J. N. Marsellis, Robert Patterson, are hereby appointed commissioners, who, or a majority of them, shall, after twenty days previous notice, be published in two daily newspapers of the city of Philadelphia, open a book in the said city, in which book the following form shall be entered and signed by the subscribers: We whose names are hereunto subscribed, do promise to pay to the president and managers of Kirk's Patent Anthracite-ware Manufacturing company of Philadelphia, the sum of one hundred dollars for every share of stock set opposite our respective names, including the five dollars now paid, the remainder to be paid in such proportions and at such times as the president and managers of said company may determine, of which they are to give reasonable notice; every person of lawful age shall be permitted to subscribe, in their own names or in the name of any other person who may authorize the same in writing, and the said book shall be kept open at least five hours a day for three days, unless the whole stock shall be sooner subscribed for, and if at the expiration of three days the whole number of shares shall not have been subscribed, the commissioners may adjourn from time to time, and one commissioner, or a substitute appointed by a majority of the commissioners, shall attend, and when the whole number of

Borough line
of Lewisburg
Union Co.
altered.

Kirk's Pat-
ent Anthra-
cite-ware
Manufac-
turing Comp'y
incorporated
Commis'srs.

To open a
book.

Form of sub-
scription for
stock.

Proviso.	shares shall have been subscribed the book shall be closed: <i>Provided nevertheless</i> , That when four hundred shares shall be subscribed, and the sum of five dollars paid on each share, the commissioners, or a majority of them, after the first three days, shall certify the same to the Governor, under oath or affirmation, together with the names of the subscribers, and the number of shares subscribed, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers and those who may thereafter subscribe, into a body politic and corporate in deed and in law, by the name and style of Kirk's Patent Anthracite-ware Manufacturing company of Philadelphia.
Letters patent.	
Name and style.	
Election by ballot.	SECTION 35. The votes of the stockholders for managers shall be by ballot, and for the election of managers, and for the deciding of all questions in the general meeting of the stockholders, the ratio of votes shall be as follows, to wit: each stockholder shall have one vote for every share not exceeding ten shares, nor shall any stockholder vote at any election after the first, unless he or she shall have held the stock upon which he or she may wish to vote, at least two months previous to such election.
Ratio of votes.	
Organization.	SECTION 36. The commissioners, or a majority of them, shall, as soon as they conveniently can, after the said letters patent shall be obtained, give at least ten days notice in two daily newspapers of Philadelphia, mentioning the time and place for the subscribers to meet to organize the said company, by electing managers by a majority of the votes of the subscribers, in person or by proxy, at which election the commissioners, or any two of them, shall be judges; the subscribers shall elect one president and four managers, any three of whom may form a quorum to transact the business of the company, and shall continue to act until other officers shall be legally elected, for which purpose an election shall be held on the first Monday of January in every year, of which ten days notice shall be given in one or more newspapers; the election shall be conducted as follows, to wit: the managers for the time being shall appoint two of the stockholders to be judges of the said election, who shall receive the votes agreeably to this act, and shall at the close of the said election, count the votes and declare and certify who shall have been elected, and if it shall at any time happen that an election shall not be made at the stated time, it shall be lawful to hold the election at such time as the managers may appoint, and in case of the death or resignation of a president or manager, the vacancy may be filled by the board of managers until the next annual election.
Quorum.	
Annual election.	
How conducted.	

SECTION 37. The managers shall have a common seal, ^{Seal.} alterable at their pleasure, and shall fix the times and places of meeting of the board, and make and alter by-laws, rules, orders & regulations, not inconsistent with the constitution and laws of this state, and procure books, and appoint clerks and such agents as may be deemed necessary, and every ~~Certificate~~ stockholder shall have a certificate under the seal of the ^{of stock.} corporation, made and attested, as may be directed by the by-laws, certifying the share or shares held by him or her, and the stock of the company shall be assignable, agreeably ^{Of transfer.} to the rules of the board of managers, but no stockholder indebted to the company, shall be permitted to make a transfer or receive a dividend until such debt is discharged or secured to the satisfaction of the board of managers.

SECTION 38. The said company shall be capable in law to ^{Powers.} sue and be sued, to plead and be impleaded, and shall have the right to purchase and hold in fee simple, such a quantity of land as may be necessary for all the buildings required for their manufactory, and also to purchase and procure every article and material, fixture and furniture which may be deemed necessary for the manufacturing and sale of useful and ornamental articles from anthracite coal, and also all machinery, apparatus, tools and utensils required for the said purpose, and to employ all such workmen, tradesmen and artists of every description that may be necessary to carry on the establishment; and further, in order to enable the company to commence immediate sales, they shall have the right to purchase and hold the patent right for manufacturing anthracite-ware, and also all the ware made under said patent, on hand, whether finished or unfinished; but the said company shall not hold any other real estate than herebefore mentioned, unless the same be taken by them for or on account of debts due the said company.

SECTION 39. That annual meetings of the stockholders on ^{Meetings.} the days named in the by-laws shall be called, of which the board shall give reasonable notice; the board may also, on notice, call special meetings of the stockholders, at which meetings a majority of the stockholders present, provided they represent in all one hundred shares, may make, alter or repeal any law, rule, order or regulation, and perform any corporate act, which can only be changed by a majority of the votes of the stockholders themselves at a like meeting.

SECTION 40. Dividends of so much of the profits of the ^{Dividends.} company as shall appear advisable to the board, shall be declared at least twice in every year, and paid to the stockholders on demand, at any time after ten days therefrom, but they shall in no case exceed the nett profits actually

acquired, so that the capital stock shall never be impaired thereby; and if the board shall make any dividend which shall impair the capital stock, the president and managers consenting thereto shall be liable in their individual capacities to the company for the amount of the stock so divided, and each manager present shall be considered as consenting, unless he shall enter forthwith his protest on the minutes of the board, and give notice thereof to the stockholders.

Continuance
of the corpo-
ration.

SECTION 41. The said corporation shall continue for thirty years from the passage of this act: *Provided always*, That if the said company shall at any time misuse or abuse any of the privileges hereby granted, or if the corporation in any way shall hereafter become prejudicial to the commonwealth, the legislature reserve the right to assume all or any of the privileges herein granted to the said company, and revoke or repeal this act of incorporation.

Preamble re-
lative to in-
corporating
the Philad'a
Board of
Trade.

WHEREAS, a want of unity of action subjects relating to trade and commerce has hitherto been found to be a serious detriment to the interests of the community, and in view of this, it was deemed necessary sometime since to form an association in the city of Philadelphia called the Philadelphia Board of Trade, the general objects of which are to promote the trade of the city of Philadelphia, to give a proper direction to all commercial movements, to extend the facilities of transportation, and generally to take all proper measures for advancing the interests and promoting the commercial integrity of the mercantile community: *And whereas*, the association has hitherto frequently felt the necessity of an act of incorporation, by means of which their usefulness would be extended and the objects of their association be more fully attained; Therefore,

Name, style
and title.

Powers.

SECTION 42. That the persons who now constitute the association of the Philadelphia Board of Trade, and such persons as shall hereafter be admitted members of the same, shall be, and are hereby declared to be a body politic and corporate, in deed and in law, by the name, style and title of the Philadelphia Board of Trade; to have succession, to plead and be impleaded, sue and be sued, in all courts of record or elsewhere, and to be capable to take, hold and enjoy, lands, tenements, hereditaments, goods and chattels, and the same from time to time to sell, grant, demise, alien and dispose of, to have and to use a common seal, and the same to break, alter or renew at pleasure: *Provided*, That the clear income of the estate by them held shall at no time exceed the sum of ten thousand dollars per annum.

SECTION 43. The officers of the said corporation shall be elected annually, at the stated meeting of the association in

January, to hold their offices for one year, and until others are elected, and shall consist of a president, two vice-presidents, a treasurer, a secretary, and twenty-one directors, and the following named persons, being the present officers of the association, shall continue in their respective stations until an election shall be made under this act: President, Thomas P. Cope; Vice-Presidents, Robert Toland, Robert Patterson; Treasurer, Thomas C. Rockhill; Secretary, Frederick Fraley; Directors, Caleb Cope, John S. Riddle, William R. Thompson, M. D. Lewis, Thomas P. Hoopes, Richard D. Wood, Alexander Read, Edward Roberts, Davis B. Stacy, Stephen Baldwin, Charles S. Boger, Joseph W. Ryers, Alexander McClurg, William Yardley, Jr., Henry Troth, William Buehler, William S. Smith, Joseph S. Riley, Joseph Hand, George N. Baker, Edmund Wilcox.

Names of
the present
officers.

SECTION 44. The said corporation, when convenient, shall have power and authority to make, ordain and establish such rules, by-laws and regulations relative to the concerns of the corporation as they may deem necessary and expedient, and that the rules, by-laws & ordinances now in force, not inconsistent with the constitution and laws of this state or the United States, shall be good and valid until altered, amended or abrogated by the corporation: *Provided*, That no rule, by-law or ordinance as aforesaid, shall be valid if inconsistent with the constitution of this state or of the United States: *And provided further*, That nothing in this act shall be construed as in any manner granting banking or manufacturing privileges.

By-laws and
regulations.

Provided.

SECTION 45. That from and after the passage of this act, the Chamber of Commerce of Philadelphia, and the Philadelphia Board of Trade, shall each be authorized and required to elect annually two additional assistant wardens, who shall be members of the board of Wardens for the Port of Philadelphia, and possess all the powers and perform all the duties imposed upon the members of said board by an act entitled An act to establish a board of Wardens of the Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned, passed March twenty-ninth, eighteen hundred and three, and the several supplements thereto; and the said board as thus enlarged, shall hereafter consist of one master warden, and six assistant wardens, appointed by the Governor, and four assistant wardens appointed as herein directed.

Phil. Cham-
ber of Com-
merce and
Board of
Trade, each
to elect two
assistant
wardens, &c.

SECTION 46. That whenever any proceedings shall be had before the said board of Wardens for the Port of Philadelphia against any pilot, under the thirty-first section of the act entitled, "An act to establish a board of Wardens for the

Duty of war-
dens relative
to pilots and
pilotages,

Commiss'rs
to take
testimony.

Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," passed March twenty-ninth, eighteen hundred and three, it shall be the duty of the said board to apply to the court of Common Pleas of the city and county of Philadelphia, to appoint one commissioner learned in the law, whose duty it shall be to attend at the time and place of hearing the complaint to the said wardens, and reduce the testimony taken before them relating thereto to writing, which testimony shall be certified to the said court, under the hand and seal of the said commissioner, and if any pilot shall believe himself aggrieved by any decision of the said board in the premises, he shall have the right of an appeal to the said court of Common Pleas from the decision of the said board, and the said court shall decide upon the said appeal solely upon the testimony taken before the commissioner appointed by the said court, and in case any pilot shall have been fined or suspended by the said board upon any such complaint, he shall pay such fine, give up his license, and remain suspended according to the decision of the said board, until the said decision shall be reversed by the said court of Common Pleas, or the suspension expire by its own limitation, and all costs attending such appeal shall be paid, or secured to be paid by the appellant.

Appeal.

The guardian of Julia, Rachel and Isabella Tod, minor children of John Tod, dec'd., authorized to reconvey to J. Roland, a certain tract of land.

SECTION 47. That Job Mann of the borough and county of Bedford, guardian of Julia, Rachel and Isabella Tod, minor children of John Tod, deceased, be, and hereby is authorized to reconvey to Jacob Roland of Southampton township, Bedford county, or such person as may purchase from him all the right, title, and interest of the above named minors, and that the said John Tod, deceased, had and held at and immediately before the time of his decease, by virtue of a sheriff's deed, of and in a certain tract, piece or parcel of land, containing one hundred acres, situate in the said township of Southampton and county of Bedford, upon the whole amount of the debt, interest, and costs of a judgment in the court of Common Pleas of Bedford county, in favor of the estate of said deceased against said Roland, being paid to the administrator of said estate.

Moravian School Association of Berks county incorporated.

SECTION 48. That all and every the persons who shall at the time of the passing of this act, or hereafter, be members of the association called the Moravian School Association of Berks county, shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the "Moravian School Association," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive,

have, hold, and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, good and chattels, of what nature, kind or quality soever, real, personal or mixed, and the same from time to time to sell, grant, devise, assign or dispose of: *Provided*, That the clear Proviso. yearly value or income of the houses, lands or tenements, rents, annuities, or other hereditaments and real estate of the incorporation, shall not exceed the sum of five hundred dollars, and also to make and have a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said incorporation, not being contrary to this charter, or the constitution or laws of the United States or of this state, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof; and the legislature reserves the right to alter, amend or annul this charter, at any time hereafter.

SECTION 49. That Jacob Keiff, John Deturh, and Solomon Directors to High, shall act as directors of the said association until the act. first Saturday of May next, at which time, and annually thereafter, the said corporation shall elect a president and such other officers as may be required in the constitution and by-laws of said association, for the proper government thereof.

SECTION 50, That the subscribers to the association called the Pittsburg Institute of Arts and Sciences, and all such The Pittsburg Institute of Arts & Sciences incorporated. persons as may be hereafter admitted as members of the same, shall be, and they are hereby declared to be a body politic and corporate, by the name and title of the "Pittsburg Institute of Arts and Sciences," to have perpetual succession, to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, to use a common seal, and break, alter and renew the same at pleasure, and to take, hold and enjoy lands, tenements and hereditaments: *Provided*, That the yearly income of the real estates, held by Proviso. them, shall not exceed two thousand dollars.

SECTION 51. That the objects of the said corporation shall be, the promotion and encouragement of manufactures and the mechanical and useful arts, by the establishment of Objects of the corporation. popular lectures upon the sciences connected therewith, by the formation of a cabinet of apparatus, models and minerals, and a library, by offering and awarding premiums on all objects deemed worthy of encouragement, by examining any new inventions submitted to them, and by such other measures as they may judge to be expedient.

The corporation to consist of manufacturers, mechanics & artisans

SECTION 52. That the members of the said corporations shall consist of manufacturers, mechanics, artisans and persons friendly to the mechanical arts; they shall pay such sum annually, or in gross, as shall be required by the by-laws of said corporation, for an annual or life subscription: *Provided*, That nothing herein contained shall be so construed as to prevent the said corporation from electing honorary or corresponding members, who may be exempted from such payments and other duties of membership, in such manner and to such extent as may be prescribed by the by-laws of the said corporation.

Of the officers of the corporation & their election.

SECTION 53. That the officers of the said corporation shall be a president, two vice presidents, a recording secretary, a corresponding secretary, a treasurer and twelve managers, who shall together, constitute a board of managers of the said corporation, and such other officers as the said corporation shall deem needful; two thirds of the said managers shall be manufacturers, artisans or mechanics; the said officers shall be elected at an annual meeting of the said corporation, to be held on the first Saturday of October, and if an election shall not take place on that day, the corporation shall not for that cause be dissolved, but an election shall be held as soon afterwards as may be, and until such election, the officers in place shall continue to act; public notice of all elections shall be given in such manner as may be prescribed in the by-laws of the said corporation, and the present officers of the said association are hereby constituted the officers of the corporation hereby created, and shall continue to hold their respective offices till otherwise elected under the provisions of this act: *Provided*, That the number of managers may be increased if found desirable.

Proviso.

Duties & rights of the members & powers and functions of the officers, to be regulated by the by-laws.

SECTION 54. That the duties and rights of the members of the said corporation, the powers and the functions of the officers thereof hereinbefore mentioned, and of such others as may hereafter be added, the mode of supplying vacancies in office, the amount of securities required of any officer for the faithful performance of his duties, the times of meeting of the said corporation and of the board of managers, the numbers which shall constitute a quorum at any such meetings, the mode of electing members, the terms of their admission, the causes which shall justify their suspension or expulsion from the corporation, and all other concerns of the said corporation, shall be regulated by the by-laws and ordinances of the said association now made, or of the corporation hereafter to be made, which the said corporation is hereby authorized to make, alter and revise, in any manner therein mentioned; *Provided*, That the said by-laws or ordinances

Proviso.

shall not be repugnant to or inconsistent with the constitution or laws of the United States or of this commonwealth.

SECTION 55. That the president and members of the Moyamensing Hose, and the Hope Fire Engine companies of the county of Philadelphia, and the successors of each of them, be, and they are hereby respectively incorporated, with all the rights, powers and privileges incident to either of the incorporated fire companies of the city and county of Philadelphia; the former shall be styled the Moyamensing Hose company, and the latter the Hope Fire Engine company.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 36.

An Act

For the relief of the volunteer troop styled the Washington Cavalry, in Westmoreland county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be the duty of the Adjutant General to furnish, upon the order of the Brigade Inspector of the first brigade, thirteenth division, Pennsylvania Militia, out of any of the arsenals of this commonwealth, when a sufficient number of unappropriated arms and accoutrements may be had, eighty stands of cavalry arms for the use of a volunteer troop attached to said brigade, styled the "Washington Cavalry, and Rostraver Cavalry," to be issued by said Brigade Inspector to the commissioned officers for the use of the members thereof: *Provided*, such cavalry arms shall be issued under such restrictions, provisions and security, as are now by law required.

SECTION 2. That from and after the passage of this act, the said Washington Cavalry, & Rostraver Cavalry, in the county of Westmoreland, shall be exempted from Troop exempted from parading with militia.

parading or drilling with any regiment or battalion of militia, except at the discretion of the members of said troop: *Provided*, That the above named troop shall meet the proper number of days required by law in their company capacity.

The Adj't
Gen'l. to fur-
nish Arms for
The Nation-
al Blues,
the Meadow
Artillery
Guards,—
The Silver
Spring Rifle
Company &
Loyalhanna
Rifle Com-
pany.

SECTION 3. That it shall be the duty of the Adjutant General to furnish upon the orders of the Brigade Inspector of the first brigade sixth division; the Brigade Inspector of the first brigade ninth division; the Brigade Inspector of the first Brigade eleventh division; and the Brigade Inspector of the first brigade thirteenth division, Pennsylvania militia, out of any of the arsenals of this commonwealth, when a sufficient number of unappropriated arms and accoutrements may be had, the usual stand of muskets and rifles for the use of the National Blues, the Meadow Artillery guards, the Silver Spring Rifle company and Loyalhanna Rifle company, attached to the said several brigades and military divisions, for the use of the members thereof. *Provided*, such muskets, rifles and accoutrements shall be issued under such restrictions, provisions and security as are now by law required.

The Warren
Rifle Comp.
and Jackson
Grays, of
Monroe Co.
any regiment
and "Wash-
ington Blues
of York Co.
exempted
from parad'.

SECTION 4 That from and after the passage of this act, the Warren Rifle company and the Washington Blues in the county of York, and the Jackson Grays of the county of Monroe, shall be exempted from parading or drilling with any regiment or battalion of militia except at the discretion of the members of the said company. *Provided*, The said Warren Rifle company, Washington Blues and Jackson Grays, shall meet the proper number of days required by law in their company capacity.

Light Artil-
lery to be
styled Lib-
erty Guards.

SECTION 5. That from and after the passage of this act the Light Artillery company of Beallsville in Washington county, shall be named instead thereof and styled the Liberty Guards. *Provided*, That all acts done under the former name of Light Artillery shall not be effected in any manner by this act.

Juniata Ar-
tillerists &
Lewistown
Guards to be
organized
into separate
vol. battal'n.

SECTION 6. It shall and may be lawful for the Brigade Inspector of the first brigade tenth division of the Pennsylvania militia, when requested by the officers commanding the Juniata Artillerists and Lewistown Guards, to organize said companies into a separate volunteer battalion, at such time and place as he shall direct said companies to meet for that purpose, and that said battalion shall be entitled to the same number of officers as other separate volunteer battalions, which officers shall be chosen or elected in the same manner as is directed by the thirty-third section of the act of the second of April eighteen hundred and twenty-two, entitled "An act for the regulating of the militia of this common-

wealth," and shall have the same privileges, and in every respect be disciplined, governed and regulated as other volunteer battalions organized under said section of the act aforesaid.

SECTION 7. That the second section of the act passed the 2d. Sec. Act fourth of April, Anno Domini one thousand eight hundred and thirty-seven, for the relief of the volunteer troop styled the Greene Cavalry, and for other purposes, be and the same is hereby extended to the counties of Berks and Schuylkill, and to the tenth militia division. 4th of Apl. 1-37. extended to Berks & Schuylkill co. & to the 10th mil. div.

SECTION 8. That the volunteer company in the first brigade second division Pennsylvania militia, organized and known as the "Doylestown Grays," shall from and after the passage of this act be exempted from parading or drilling with any regiment or battalion of militia except at the discretion of said company. *Provided*, That the said company shall meet on the proper number of days required by law in their company capacity. Doylestown Grays exempted from parading. Proviso.

SECTION 9. That the said company is hereby authorized to elect a third lieutenant in the same manner as is by law prescribed for the election of other commissioned officers of volunteer companies, and that as such he be entitled to receive a commission from the Governor of this state.

SECTION 10. The Adjutant General of this commonwealth is hereby authorized and required to contract for a sufficient number of Cooper's Tactics and Regulation of the Militia, and to supply each field, staff and company officer of militia or volunteers of this commonwealth with one copy, and the expense thereof to be paid upon his order, out of any unappropriated money in the state treasury. And it shall be the duty of the several Brigade Inspectors to take receipts for said books from the said officers, with a condition that they shall be delivered over to their successors in office or returned to the Inspectors of their respective brigades at the expiration of their commissions. Adj't Gen'l. to contract for a sufficient number of Cooper's Tactics &c.

SECTION 11. The State Treasurer is hereby authorized and required to pay upon the order of the Adjutant General of this commonwealth, any sum not exceeding nine hundred dollars, to pay the necessary expenses in repairing the buildings of the State Arsenal at Philadelphia, and also a sum not exceeding three hundred and sixty-three dollars, for the repair and preservation of the Meadville Arsenal and the public property therein. *Provided*, said accounts shall first have been examined and settled by the Auditor General of this commonwealth. \$963 appropriated to repair State Arsenal at Phila'a. \$300 appropriated to repairing the Meadville Arsenal.

SECTION 12. That from and after the passage of this act, the Valley Rangers, of Westmoreland county; the Harrison Valley Rangers and

other corps
exempted
from parad-
ing with
militia.

Guards and Lehigh Artillerists, in the county of Lehigh; and the Windsor Artillerists, of York county, shall be exempted from parading or drilling with any regiment or battalion of militia, except at the discretion of the members of said company: *Provided*, That the above named companies shall meet for the proper number of days required by law, in their company capacity.

Appropriation for
Volunteer
encamp-
ments.
Proviso.

SECTION 13. That the State Treasurer is authorized, and hereby required, to pay upon the certificate of the Adjutant General, to the commanding officer of any regiment or battalion of volunteers, any sum of money not exceeding one hundred dollars for a regiment, or fifty dollars for a battalion: *Provided*, Said regiment or battalion shall at any one time encamp for any number of days not less than three in one year, and the sum so appropriated to be paid for the transportation of tents, and other actual expenses of said encampment.

Independent
Battalion of
Volunteers
in York co.

SECTION 14. That hereafter the members of the "Independent Battalion of Volunteers," in the county of York, shall vote for Brigade Inspector at the house now occupied by William Tarbert, in Hopewell township, in said county, and that the same compensation be allowed for holding elections for officers of the volunteers, as are now allowed for holding elections for officers of the militia.

LEWIS DEWART,

Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 37.

A Supplement

To an act entitled An act to incorporate the Sunbury and Erie, and Pittsburg and Susquehanna Railroad companies, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act to which this*

is a supplement, as provides for an election of president and managers of the Sunbury and Erie Railroad company, on the second Monday of January, in the year one thousand eight hundred and thirty-eight, be, and the same is hereby repealed; and that the president and managers now acting, shall continue in office until the second Monday of January, one thousand eight hundred and thirty-nine, any thing in the act to which this is a supplement to the contrary notwithstanding, and that hereafter notice of an annual or special election for president and managers, and of the annual meeting of stockholders, shall be published for ten days at Philadelphia and Erie, and two successive weeks at Sunbury, previous to such election or meeting.

SECTION 2. That the time of commencing the construction of the said Sunbury and Erie Railroad, shall be extended until the first day of June, eighteen hundred and forty, and that at least two hundred miles of said road shall be completed in seven years, and the whole thereof in nine years next succeeding said first day of June, eighteen hundred and forty; any thing in the act to which this is a supplement to the contrary notwithstanding.

SECTION 3. That the twenty-ninth section of the act to which this is a supplement, be so altered and amended as to authorize and require the commissioners, or any three of them named in said section, to procure books, and open the same for the purposes contemplated in said act, within one year from the date hereof, at the cities of Pittsburg and Philadelphia, and at such other places as is thought expedient, and to give thirty days notice of the same in one or more newspapers published in the cities of Philadelphia and Pittsburg, and at such other places as they may think advisable.

SECTION 4. That it shall be lawful for the Philadelphia and Reading Railroad company, at any time after the passage of this act, to extend their said railroad from its present termination, in the borough of Reading, to some suitable point in or near the borough of Pottsville, in the county of Schuylkill: *Provided*, That if in the opinion of Moncure Robinson, Esquire, the engineer of the said company, the road may be, as advantageously to the interests of the public, made to terminate at the present termination of, and connect with the Mount Carbon Railroad; then and in such case the privilege hereby conferred shall not extend beyond the said point: *And provided further*, That if the Philadelphia and Reading Railroad company shall not commence their work simultaneously at or near Mount Carbon and at Reading, within one year, and complete that part of the road between

Port Clinton and Pottsville within two years, and the whole within four years after the passage of this act, then the privileges hereby granted shall cease and be null and void; and in addition to the route already located by them for their railroad from the Falls of the Schuylkill to the river Delaware, to survey, locate and construct a branch from any suitable point on their said railroad to such point as they may deem most advisable, on the line of the Philadelphia and Columbia Railroad; and also to survey, locate and construct a branch from some suitable point on their road to some convenient point in or near the borough of Norristown, and in the construction and use of the said extensions and branches of their railroad as aforesaid, the said company shall have, hold and enjoy, all the rights, privileges and immunities secured to them by law on other parts of their road, and shall be subject to the same liabilities, restrictions and provisions imposed upon them on other parts of the road: *Provided,*

3d Proviso. That in the assessment of damages, and in all other matters arising in the county of Schuylkill, the court of Common Pleas, and the juries of Schuylkill county, shall have the same jurisdiction and powers which the courts of Common Pleas and the juries of other counties through which the road passes have over such parts of the road as lie in their respective counties: *And provided further,* That the Canal

4th Proviso. Commissioners shall approve of the location of the branch road which is intended to effect a connection with the Philadelphia and Columbia Railroad, and that if at any time, in the opinion of the legislature, the said branch road be required to enable the commonwealth to dispense with the inclined plane at Peter's Island, it shall be lawful for the commonwealth to purchase the same on reimbursing to the said company the cost of the said branch road.

Williamsp't. SECTION 5. That it shall be lawful for the Williamsport and Elmira Railroad company, their agents, officers, engineers, contractors and servants, at any time to enter upon, authorized to take possession of and use such land as may be necessary enter upon for the location and construction of the said railroad, and lands, &c. also to take from any land in the neighborhood of the same, any gravel, stone or other material, timber excepted, for the purpose of constructing and maintaining said railroad, subject to such compensation and arrangements as are provided by the thirty-sixth section of the act incorporating said company.

SECTION 6. The second section of an act entitled "A supplement to the act entitled An act authorizing the Governor to incorporate the Strasburg Railroad, the Williamsport and Elmira Railroad, the Marietta and Columbia Railroad, the

Portsmouth and Lancaster Railroad, and incorporating a company to make the Oxford Railroad," is hereby repealed; the said company shall be authorized to hold such an amount of land, not exceeding five acres at any one place, and improvements at the terminations and along the line of the road, as may be necessary for water stations and the accommodation of passengers, and for depositing and shipping commodities conveyed or designed to be conveyed on the railroad, and necessary and convenient landings, and buildings for workmen, shops, and other purposes connected with the general objects of said company.

SECTION 7. That the president, managers and company of the Swatara and Good Spring Creek Railroad company, shall have full power, in addition to the powers already granted to the said company by virtue of the third section of their act of incorporation, passed April second, Anno Domini one thousand eight hundred and thirty-one, to extend their railroad from the present point of termination on Swatara, as laid down in the third section aforesaid, a branch railroad up the Swatara, from its junction with Good Spring Creek to the Swatara Falls, on the Broad mountain, or such shorter distance in a direction towards said falls as the said company may think expedient, for which purpose the said company shall have the same powers, and be subject to the same restrictions imposed upon the aforesaid company by virtue of their original charter: the company shall have privilege to increase their capital so as to meet their wants in the construction of the extension of the road contemplated by this act: *Provided*, the same does not exceed the sum of one hundred thousand dollars, in the same manner as is provided for in the first section of the law aforesaid: *And provided further*, That Simeon Guilford, David Krause, Charles A. Snyder, John Huber, Peter Filbert, Samuel Goss, Charles Frailey, William Donaldson, William Levan, Charles McClure, M. W. Roberts, and Samuel Webb, be appointed additional commissioners, who shall possess the same power, and be subject to the same restriction as those who were heretofore appointed by virtue of the original act.

SECTION 8. That the Laurel Hill Coal company be, and are hereby authorized to construct a railroad, with one or more tracks, from their coal lands or the Hazleton Railroad to the river Lehigh, at such point as they may deem most expedient, and for that purpose they may increase their capital stock or borrow fifty thousand dollars, and have the same powers and immunities, and be subject to the same

terms and conditions that are provided in the act to incorporate the Beaver Meadow Railroad and Coal company, and the supplements thereto.

LEWIS DEWART,

Speaker of the House of Representatives,

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 38.

An Act

For the relief of Andrew Keen and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby authorized and required to pay to Andrew Keen, Margaret James, and Christian Cromly of Philadelphia county, James McCain and John Sipes of Armstrong county, Sarah McDonald of Chester county, William White of Indiana county, Samuel Finch of Tioga county, Jacob Shade of Montgomery county, Jacob Shope of Dauphin county, James Brown of Luzerne county, and Peter Hauk of Lehigh county, Pennsylvania, and Mary Feathers of Preston county, Virginia, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight.

SECTION 2. That the State Treasurer is hereby authorized and required to pay to James Denning of Westmoreland county, and James Nicholson of Venango county, soldiers of the Indian war, or to their respective orders, forty dollars each immediately as a gratuity.

SECTION 3. The State Treasurer be, and he is hereby authorized and required to pay to Fraderick Byrod and George Lemon of Dauphin county, Christopher Colbey of Centre

county, William Campbell of Westmoreland county, John Stewart, James Downing, and Catharine Martin of Venango county, John Schall of Jefferson county, William J. Canely of Philadelphia county, Rosinda Felty of Philadelphia county, Catharine Weyandt of Berks county, and David Buchanan of Fayette county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight.

SECTION 4. The State Treasurer is hereby authorized and required to pay to Charles Sampson, Nancy Beaty, Elizabeth Duffield, William Harrison, and Elizabeth Hasson of Venango county, Philip Keel of Bedford county, Catharine Roth of Northampton county, Susannah O'Neill of Philadelphia county, Elizabeth Mento and Barbara Inglehopt of Crawford county, Daniel Gould, Thomas Taylor, Michael Truby, and Isaac Steel of Armstrong county, Peter Miller of Lancaster county, Christian Boston and Benjamin Peadric of Luzerne county, and Wm. Hamilton of Fayette county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight.

SECTION 5. The State Treasurer is hereby authorized and required to pay the pension and gratuity granted to John Lose, a Revolutionary soldier, by an act of the twenty-seventh day of March, one thousand eight hundred and thirty-seven, in the same manner as if the said act did originally set forth his place of residence as being in the county of Northumberland, and not in the county of Northampton, as is therein expressed.

SECTION 6. The State Treasurer be and he is hereby authorized and required to pay to James Templeton of Washington county, Samuel Tubbs of Tioga county, Christian Rice of Somerset county, William Leslie & Mary Leslie of Allegheny county, Samuel Vanorman of Monroe county, and Jemima Clift of Philadelphia county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or their respective orders, forty dollars each immediately, as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight; the foregoing gratuities and pensions to be paid in conformity with the existing laws.

SECTION 7. The State Treasurer is hereby authorized and required to pay the pension and gratuity granted to Henry Thomas, a revolutionary soldier, by an act of the first day of April, one thousand eight hundred and thirty-seven, in the same manner as if the said act did originally set forth his place of residence as being in the county of Allegheny, and not in the county of Fayette, as is therein expressed.

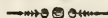
LEWIS DEWART,

Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 39.

An Act

To authorize the Willardsburg and Jersey Shore Railroad company to construct a Railroad to Warren, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the company to be incorporated in

Willardsb'rg
and Jersey
Shore Rail-
road Co. au-
thorized to
construct a
railroad to
Warren.

Additional
commiss'srs.

pursuance of the provisions of the act entitled An act authorizing the Governor to incorporate the Willardsburg and Jersey Shore Railroad company, shall have the right to survey, lay out and construct a railroad, with one or more tracks, from some point in the route of the Willardsburg and Jersey Shore Railroad, in the county of Tioga, to Warren in the county of Warren, by the nearest and best route, with all the privileges, and subject to all the restrictions and regulations provided for in the act hereinbefore referred to, and John Mathers, Charles Lyman, Timothy Ives, jr., Almon Woodcock, John Lyman, Lewis B. Cole, Seneca Freeman, Horace Coleman, F. B. Hamlin, L. R. Hawkins, John Niles, Hiram Payne, Solomon Sartwell, Asa Sartwell, Richard Chadwick, Josiah Colegrove, Orlo J. Hamlin, Josiah Hall, Thomas Struthers, Robert Falconer, Archibald Tanner, Carlton B. Curtis, Lansing Wetmore, Andrew Irvin, G. A. Irvin, Henry Sargent, are hereby appointed commissioners, in

addition to those named in the act herein referred to: *Provided*, That if the Sunbury and Erie Railroad company shall, within two years from this date, fix upon and locate their railroad by way of Big Meadows, on Pine creek, and by way of Coudersport and Warren, and shall within two years thereafter proceed to lay out and construct the same on that route, then the privileges and powers granted in this act shall be null and void.

SECTION 2. It shall and may be lawful for the Little Schuylkill and Susquehanna Railroad company to construct a branch from a point on the said road, at or near Lintner's Gap, to intersect the Beaver Meadow Railroad, or near the mouth of Black creek, with the same powers, and subject to the same provisions, restrictions and responsibilities touching the construction of said branch as are by any law of this commonwealth given or prescribed for the construction of the main line of the said Little Schuylkill and Susquehanna Railroad.

SECTION 3. That the time allowed to the said company for the completion of the main line of said railroad, from Cattawissa to the point of connection with the Little Schuylkill Railroad, be extended to two years after the period of the completion of the Port Clinton and Reading, and Reading and Philadelphia Railroads.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the twenty-sixth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 40.

An Act

To authorize the wardens of the Reformed church called Paradise church, in Paradise township, York county, to sell and convey certain real estate, and for other purposes.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry King, Daniel Spangler, John Spangler, Samuel Stover, Peter Spangler, and Henry

Wardens of
Paradise
church, York
county, au-
thorized to
sell and con-
vey certain
real estate.

Stambaugh, wardens of the Reformed church called Paradise church, in the township of Paradise, York county, are hereby authorized and empowered to sell and convey a certain lot of ground, containing four acres and five perches, adjoining land of John Roth, in said Paradise township, or any part thereof belonging to the said church, in the township aforesaid, and to make a deed to the purchaser thereof.

E. A. Bowman & others authorized to sell certain real estate of M. W. Denison and others, minors, of Luzerne co.

SECTION 2. Esther Ann Bowman, guardian of Mary Watson Denison, Ann M. Atkins, guardian of Caroline Bowman Atkins, and Thomas W. Miner, guardian of Ebenezer Bowman, minor, of Luzerne county, in said state, are hereby authorized and empowered to sell at public or private sale, as to them shall seem most expedient, and acting in connection with Esther Ann Bowman, (who in her own right is seized of an estate for life in the hereinafter described premises,) a certain lot of land situate on Market street, in the borough of Wilkesbarre, in said county, containing forty-eight perches and five tenths of land, bounded by lands of Henry F. Lamb and William C. Gildersleeve, and the alley hereinafter mentioned, said lot being forty feet in width on said street, with the buildings thereon erected, together also with the privileges and right of an eleven foot alley adjoining, being the same premises allotted to the said Esther Ann Bowman and the said minors, as the devisees of Mrs. Caroline Denison, in the partition of the real estate of Ebenezer Bowman, Esq., deceased, and to convey the same in connection with the said Esther Ann Bowman, acting in her own right, also in fee simple, to the purchaser or purchasers thereof: *Provided*, That the said Esther Ann Bowman, Ann M. Atkins, and Thomas W. Miner, shall, before proceeding to make such sale, cause satisfactory security, by bond or recognizance, to be given and entered in the Orphan's Court of Luzerne county aforesaid, conditioned for the faithful investment of the proceeds of such sale, and the payment of the interest thereof, to the said Esther Ann Bowman, during her natural life, and for the just and faithful appropriation and distribution after her decease, of the principal thereof, according to their duties and obligations as guardians of said minors.

Proviso.

SECTION 3. Jacob Ruch of Augusta township, in the county of Northumberland, surviving executor of the testament and last will of George Walter, late of said county, deceased, be authorized and empowered to sell at public sale, two certain lots of ground and buildings thereon, in the borough of Sunbury, in said county, numbers two hundred and fifty-five and two hundred and fifty-six, of which

Ex'r of Geo. Walter, of North'd co., dec., authorized to sell certain real estate.

said testator, deceased, was seized, for the purposes mentioned in said will, together with all and singular the appurtenances, and to make a good and sufficient conveyance for the same to the purchaser or purchasers thereof, in fee simple: *Provided*, The said Jacob Ruch shall give security, to be approved by the Orphans' Court of said county, and filed of record in said court, for the faithful application of the proceeds of such sale to the purposes mentioned in said will. Proviso.

SECTION 4. That the guardians of the minor children of Isabella Scott, late Isabella Vance, deceased, and who was intermarried with John Scott, late of Washington county, deceased, be, and they are hereby authorized and empowered to sell at public or private sale, all the right, title, and interest of the minor children aforesaid, in and to a certain messuage and lot of ground, situated in the town of Washington, Washington county, and bounded as follows, to wit: Guardians of the minor children of Isabella Scott, late of Washington co'y, authorized to sell certain real estate.
On the east by Market street, and extending along said street forty feet, on the south by lot number two hundred and eighty-nine, on the west by lot number one hundred and fifty, on the north by lot number two hundred and eighty-seven, and extending back from said Market street two hundred and forty feet, it being lot number two hundred and eighty-eight in the original plan of said town of Washington, and to make and execute a deed or deeds therefor, in fee simple, to the purchaser or purchasers: *Provided however*, before any such deed or deeds shall be valid, the said guardians shall give bond, in such sum and with such security as may be approved by the Orphans' Court in and for said county of Washington, conditioned for the faithful application of the proceeds of such sale. Proviso.

SECTION 5. The said guardians of the said minor children mentioned in the preceding section of this act, are hereby authorized to make, execute, and deliver good and sufficient deeds of conveyance, in fee simple, to Isaac Vance, junr., of Allegheny county, for all the undivided right, title, and interest of said minor children, of, in and to a certain messuage and tract of land, situated on the waters of Chartiers creek in Fayette township, Allegheny county, containing two hundred and ninety-six acres, more or less, adjoining lands of Frederick Lesnel's heirs, Richard Boyce's heirs and others, (it being a moiety or half part of two certain tracts of land, conveyed by Edward Shippen, Esquire, and wife, and Joseph Shippen junr., and wife, to Richard Boyce and John Vance, by deed, bearing date the twenty-eighth day of January, Anno Domini seventeen hundred and ninety-three:) *Provided*, before making a deed, the said guardians Guardians to make title of a tract of land to Isaac Vance, Jr.

may require any purchase money remaining unpaid to be all paid or secured to their satisfaction.

Common'ths interest in certain property in Susq'na co., released to Kiturah Churchill.

SECTION 6. That all the interest, right, and claim whatsoever of the commonwealth, devised by reason of any forfeiture under the laws and statutes of the same relating to mortmain, in and to a lot of ground, containing about one acre and buildings erected thereon, situate in or adjoining the borough of Montrose, in the county of Susquehanna, and which Kiturah Churchill bought from the Hamilton and Lebanon Manufacturing company of Madison county, in the state of New York, be, and the same is hereby released to and vested in the said Kiturah Churchill, her heirs and assigns, saving however to all persons having legal or equitable titles to said property, all their just rights, as fully as if this act had never passed.

Guardian of the minor children of Jos. Garretson, authorized to sell certain real estate.

SECTION 7. Joseph Garretson, guardian of Hannah J. Garretson and Amanda Eliza Garretson, minor children of the said Joseph Garretson, is hereby authorized and empowered to sell at public or private sale, and convey in fee simple, the interest of said minors in and to a tract of land situate in East Nantmeal township, in Chester county, inherited from their uncle, William Kirk, containing about eighty acres: *Provided*, That before the said Joseph Garretson shall execute any deed for the same to the purchaser or purchasers thereof, he shall give bond in such sum and with such sureties as the Orphans' Court of Chester county shall direct, conditioned for the faithful discharge of his duty and proper application of the money arising from such sale.

Preamble relative to estate of Th. Vashon, dec.

WHEREAS, Thomas Vashon, late of Lewistown, Mifflin county, died seized of certain real estate, leaving a widow, Nancy Vashon, but without issue or collateral heirs capable of inheriting; Therefore,

Nancy Vashon widow of Thomas Vashon, to hold the said real estate.

SECTION 8. That Nancy Vashon, widow of Thomas Vashon, late of Lewistown, Mifflin county, deceased, is hereby made capable in law, to have and hold the real estate which was of or belonging to the said Thomas Vashon, consisting of a tract of land situate in Shirley township, Huntingdon county, adjoining lands of Samuel Clemmens and others, and two lots of ground in the borough of Lewistown, in the county of Mifflin, fronting on Main street and extending to the Pennsylvania canal: the said Nancy Vashon to have and to hold the same interest in the said real estate, to her, her heirs and assigns forever, that the said Thomas Vashon had and held in the same at and immediately before his decease, as fully and effectually as if the said Thomas Vashon had made his last will and testament and devised his whole interest therein to the said Nancy Vashon. *Provided*, That

Proviso.

the interest of the creditors of said Thomas Vashon shall not be affected in any way by this act. *And provided further,* That the said Nancy Vashon shall take no other or greater estate than the said Thomas Vashon had and held in the same.

SECTION 9. That John N. Conyngham, executor of the last will and testament of Eleanor McCall, late of the city of Philadelphia, deceased, is hereby authorized to sell at public or private sale, as to him shall seem most conducive to the interest of said estate, and in connection with Mary McCall of Philadelphia, who is also interested in the hereinafter mentioned premises, all the right, title and interest of the said decedent in a certain house and lot situate in Fourth street, below Spruce street, in the said city of Philadelphia, and convey the same by deed to the purchaser, so soon as such sale shall be confirmed by the Orphan's Court of Philadelphia. *Provided,* That before such confirmation takes place, the said executor shall give bond, with such security as the said Orphans' Court shall judge proper, conditioned for the faithful investment and just appropriation and distribution of the proceeds of such sale, according to the provisions of said last will and testament.

WHEREAS, by the ninth section of the act to authorize Joseph B. Lapsley and David Lapsley, trustees under the will of David Lapsley, deceased, to sell and convey certain real estate, and for other purposes, approved the twenty-seventh day of March, Anno Domini eighteen hundred and thirty-seven, it is provided that William Gaston, of Union township, Washington county, guardian of Eliza Jane Gaston and James Morrison Gaston, minors, is authorized to sell and convey certain real estate belonging to said minors: *Provided,* That the consent of said minors shall be first obtained: *And whereas,* the said minors are both under the age of fourteen years, and are too young to give their consent; Therefore,

SECTION 10. William Gaston, guardian of Eliza Jane Gaston and James Morrison Gaston, minors named in the act referred to in the preamble, be, and he is hereby authorized to sell and convey the real estate of said minors mentioned in the ninth section of said act, under the provisions thereof, without the consent of said minors being first obtained.

SECTION 11. That the corporation of St. Paul's church of Chester, in the county of Delaware, consisting of the rector, church wardens and vestrymen of said church, be, and they are hereby authorized to sell and convey those two certain lots situate in said borough of Chester, one of which is

Proceeds of
sale how to
be applied.

Guardian
of minor
children of
S'l. Taggart,
authorized
to sell cer-
tain real
estate in
Dauphin co.

Proviso.

situated on the north side of James street, and bounded on the east by a lot in the tenure of William McCall, on the west by lot held by John G. Dyer, and on the south by land belonging to Joseph Engle and others; the other lot is situated on James street aforesaid, and bounded by lots belonging to Mary Engle and J. W. Odenheimer, and by a lot in the tenure of William McCafferty; and that the said corporation shall apply the proceeds of sale to the building of a parsonage house, (the one recently held by the said church being destroyed by fire,) and to the payment of the debts of the said corporation.

SECTION 12. Samuel Taggart, guardian of John, Mary, Ann, Henry, James and Elizabeth Taggart, minor children of said Samuel Taggart, is hereby authorized to sell, either at public or private sale, as shall be most advantageous to the interests of the said minors, all their right, title, and interest in and to any and all lands bequeathed to them by their grandfather, John Taggart, by his last will and testament, late of Lancaster county, deceased, situate in the county of Dauphin, and in their names to convey the same to the purchaser or purchasers thereof, as fully and effectually as if the said minors were of full age, and conveyed the same under their own hands and seals: *Provided*, The said Samuel Taggart, before the execution of any such conveyance, shall give security in the Orphans' Court of Lancaster county, in such sum and in such manner as the said court shall direct, for the faithful application of the proceeds of the sale or sales hereby authorized.

LEWIS DEWART,

Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 41.

A Further Supplement

To an act entitled An act extending the time for closing the concerns of the Bank of Washington, passed the eighteenth day of December, one thousand eight hundred and twenty-nine, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of*

Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the time for winding up and closing Time for the concerns of the "Bank of Washington," in the manner closing con- authorized by existing laws, be, and the same is hereby cerns. extended to the first day of April, one thousand eight hundred and forty-three, if found necessary by the managers thereof, and no longer.

SECTION 2. That the time limited in the act passed the Time for twentieth day of May, eighteen hundred and thirty-six, sale of cer- entitled An act supplementary to an act entitled An tain addi- act to incorporate the Manufacturers' and Mechanics' tional bank Bank of the Northern Liberties, in the county of Philadel- stock ex- phia, passed on the twenty-third day of April, Anno Domini tended. eighteen hundred and thirty-two, and in the act entitled An act to recharter the Bank of Penn township, in the county of Philadelphia, passed the twentieth day of May, eighteen hundred and thirty-six, for the sale of the addition- al stock created by said acts, be and the same is hereby extended to three years from and after the passage of this act.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 42.

An Act

To authorize Bernard Connelly, junior, to survey and lay out the town of Smythfield or Somerfield, in Somerset county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authori- Commiss'r. ty of the same,* That Bernard Connelly, junior, be and he is to lay out hereby appointed a commissioner with power and authority streets, &c. to examine, survey and lay out the streets, lanes and alleys of the town of Smythfield or Somerfield, in the county of

Proviso.

Somerset, conformably to the manner in which said town has been built, and was laid by the original proprietor, and subsequent owners thereof, and to make a plot or plan thereof, which he shall have recorded in the office for recording of deeds in the said county, which record, or a certified copy thereof, shall always be deemed and considered as conclusive evidence of the boundaries of the streets, lanes and alleys of the town aforesaid: *Provided always*, That this act be not so construed as to take away the legal rights of any one of the lot holders in said town.

Commissioners
of Hunting-
don co.

SECTION 2. That Peter Hewet, John Steever and Peter Swoope, junior, commissioners of Huntingdon county, or their successors in office, be and they are hereby authorized to issue a special warrant, under their hands and seal of office, directed to some qualified citizen of Frankstown township in said county, to collect the taxes remaining due and unpaid on the duplicates of Martin Denlinger and Michael Keith, late collectors of Frankstown township, Huntingdon county, for the year of eighteen hundred and thirty-two and eighteen hundred and thirty-three.

Duplicate
of tax.

SECTION 3. Before the commissioners shall issue their special warrant as directed in the preceeding section, they shall make, or cause to be made out a duplicate of all and every item of tax that may appear to remain due and unpaid on the unsettled duplicates of Martin Denlinger and Michael Keith, as aforesaid, which corrected duplicate they shall put into the hands of the person to whom they shall issue their warrant.

Collector to
give secu-
rity &c.

SECTION 4. The person whom the commissioners shall appoint collector under this act, shall be required to give the same security as the collector of county rates and levies is required to give by the twenty-fourth section of the act of the fifteenth April, eighteen hundred and thirty-four, and shall be subject to all the duties, liabilities and directions, and clothed with all the authority and entitled to all the immunities and privileges, and shall receive the same compensation for his services as are prescribed in that act or any of its supplements, in relation to the collection of county rates and levies.

Chartered
limits of the
Borough of
Birmingham
in Allegheny
co. extend-
ed.

SECTION 5. That the limits of the borough of Birmingham in the county of Allegheny, be, and they are hereby extended so as to include the ground described by and embraced within the following boundaries, namely: beginning at the north western corner of the said borough, on the bank of the Monongahela river, thence down the said river by the several courses thereof south eighty-six and one half degrees, west eighty-four perches and seven tenths to a post,

thence south two degrees east fifty-seven perches and eight-tenths to a post, thence south sixty-six and three-fourths degrees east one hundred and thirty-three perches and one tenth to a post, thence east twenty-eight perches and seven-tenths to a post, thence south seventy-eight degrees forty minutes, east thirty-six perches and four-tenths to a post, thence north four and one half degrees, east thirty-two perches and six-tenths to the south eastern corner of the said borough, and thence by the southern and western lines of the said borough to the place of beginning.

SECTION 6. That it shall be the duty of the burgess and town council of the said borough of Birmingham, to make out or cause to be made out, a fair and accurate map or plan of the said extension of the said borough, in which said map or plan shall be set forth and described all streets, squares, lanes and alleys which now are, or which, previous to the making of the said map or plan shall have been laid out and appropriated by private persons, or otherwise, for public use or for the use of the owners of lots fronting thereon, or adjacent thereto, which said map or plan the said burgess and town council shall cause to be recorded in the office for recording of deeds, &c. in and for the county of Allegheny, on or before the first day of April, one thousand eight hundred and thirty-nine, and when the said map or plan shall be recorded as aforesaid, the said streets, lanes and alleys shall forever after be deemed, adjudged and taken as public highways.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 43.

A Supplement

To the act entitled An act authorizing the Governor to incorporate the Muncy Canal company, approved the first day of April, Anno Domini eighteen hundred and thirty-six, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

Opening
books.

General Assembly met. and it is hereby enacted by the authority of the same, That the time for opening the books of the Muncy Canal company be, & the same is hereby extended to the first day of November, Anno Domini eighteen hundred and thirty-eight.

Muncy and
Monroe
turnpike.

SECTION 2. That the time for finishing and completing the Muncy and Monroe Turnpike be, and the same is hereby extended for five years from and after the passage of this act.

New Hope,
Doylestown
& Norris-
town R. R.

SECTION 3. That the time to commence the New Hope, Doylestown and Norristown Railroad is hereby extended three years from the passage of this act.

Appropriation to Tho's
C. Parsons &
W Parsons.

SECTION 4. That the State Treasurer be, and he is hereby directed to pay to the order of Thomas C. Parsons, and William Parsons, of Lycoming county, out of any money in the treasury not otherwise appropriated, any sum of money sufficient to pay the defendant's bill of costs in a certain action brought by Amos Addis against the said Thomas C. Parsons and William Parsons, in the District Court of the United States for the Western District of Pennsylvania, at Williamsport, and also the reasonable counsel fees which the defendants may have paid, or agreed to pay, previous to the trial, in the defence of said action: *Provided*, That before the defendant's bill be paid, satisfactory evidence shall be produced to the Auditor General that the amount thereof cannot be recovered from the Plaintiff: *Provided*, That the amount of said bill and counsel fees shall not exceed the sum of four hundred dollars; and it is hereby made the duty of the Auditor General to audit and adjust the account, and charge the same to the internal improvement fund.

Proviso.

2d. proviso.

Marietta,
Bainbridge,
Falmouth &
Portsmouth
turnpike.

SECTION 5. That the twelfth section of the act entitled "A further supplement to the act entitled An act incorporating the Marietta, Bainbridge, Falmouth and Portsmouth Turnpike company," passed the fourth day of April, one thousand eight hundred and thirty-seven, be, and the same is hereby repealed.

Appropriation to
State street.

Duty of
Auditor
General.

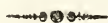
SECTION 6 That the State Treasurer be directed to pay James Peacock, Ovid F. Johnson and William Ayres, commissioners to lay out and open State street, from the public ground near Harrisburg to the Pennsylvania Canal, the sum of two thousand dollars, should so much be necessary for the completion of said street, to be paid out of any money in the treasury not otherwise appropriated; that as soon as said street is completed, the Auditor General shall take charge of the same, and lease the wharf to the best advantage, the proceeds of which shall be paid into the

treasury of the commonwealth yearly, and that any improvements or repairs necessary to protect the wharf or end of the street at the canal he shall be at liberty to make, the expenses of which shall be paid out of the rents of the wharf.

LEWIS DEWART,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 44.

An Act

Authorizing the Governor to incorporate the Franklin and Emlenton Turnpike Road company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road from a point on the Susquehanna and Waterford turnpike, near the Allegheny river, to Emlenton, Alexander M'Calmont, Arnold Plumer, William Craig, William Davidson, Samuel Huston, John Gray, Joseph Porterfield, Daniel Smith, Abraham Witherup, Isaac Haslet, John Shannon, Samuel Crawford, John F. Cauver, George S. Myers, John Cochran, William Cripps, John L. Porter, Thomas Platt, George R. Espy, Andrew Bowman, Joseph M. Fox, Henry Neely, Benjamin Junkins and William Kerns, be, and they are hereby appointed commissioners To procure to do and perform the duties hereinafter mentioned, that books is to say; they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Franklin & Emlenton Turnpike Road company the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act authorizing the Governor to incorporate the Franklin and Emlenton Turnpike Road company; Witness our hands, the day of , Anno Domini

Who may subscribe.	one thousand eight hundred and ,” and shall give at least thirty days notice in at least one newspaper published in the county of Venango, of the time and places when and where the said books shall be open to receive subscriptions of stock of the said company, at which time and place some one or more of the said commissioners shall attend, and receive subscriptions from all persons of law- ful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid at least six hours in each juridical day for the space of six days, or
No. of shares	until the books shall have subscribed therein four thousand shares, and the said commissioner may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioner shall give such notice as the occasion may require: <i>Provided always,</i> That every person offering to subscribe in said books,
Proviso.	in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.
Letters pa- tent.	SECTION 2. When one hundred or more shares have been subscribed, and the said commissioners, or a majority of them, shall have certified, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and
Name, style and title.	corporate, in deed and in law, by the name, style and title of The Franklin and Emlenton Turnpike Road company, and by the said name the subscribers shall have per-
Privileges & franchises	petual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every

other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Venango, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next said annual election of said company; they may make and have one common seal, Seal. and the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held. Organiza-
tion.

SECTION 4. That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required. Treasurer.

SECTION 5. That the stockholders shall meet on the first Monday in March in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected. Annual elec-
tion.

Certificates of stock. SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver over such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney, on the books of said company, only subject to the sum due or to become due on the shares so transferred.

Authority to enter upon lands, to examine for materials &c. SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain mark and fix such route for said road as in the best of their judgment and skill will combine shortness of distance with the most eligible ground within the point aforesaid.

Quorum. SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to appoint, agree and contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws orders and regulations of the said company shall entrust to them.

Penalty for neglecting to pay instalments. SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Venango, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the

rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable for the recovery of the same, together with the penalty aforesaid. Forfeiture.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof when the land is occupied, and to the owners thereof when it is unoccupied, and doing as little damage thereto as possible, and making amends for damages, upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Venango, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for the making said road. *Provided*, That the managers or directors of the said road shall always pay the amount of the damages, estimated as aforesaid, before entering upon any land or lands, for the purpose of commencing operations in the construction of the whole or any part of the said road. Authority to enter upon lands. Damages to be paid. Mode of estimating damages.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders. Just accounts to be kept. Proviso.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twenty feet of said width to be made an artificial road, Bridges.

and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

Governor to
appoint
viewers. SECTION 13. That whenever and so often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by

License. license, under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes on and across the said road, as will be necessary and sufficient to collect from all persons traveling the same

Proviso. otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Powers and
privileges. SECTION 14. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitations of action, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburg Turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini one thousand eight hundred and fourteen.

Banking
prohibited. SECTION 15. It shall not be lawful for the president and managers of said company in their corporate capacity, to issue bills of credit, or notes in the shape of bank notes, or to have any banking privileges whatever.

State road
from York
Haven to Co-
lumbia
bridge, York
county. SECTION 16. That James Kerr, John Kauffelt, Joseph Wilson, John Rankin, John Thompson, and Robert Boyd of the county of York, be, and they are hereby appointed commissioners to view and lay out a state road from a point in the turnpike road leading from York to York Haven, at the latter place, thence extending along the Susquehanna river as near as

practicable, and to intersect the turnpike road from York to Wrightsville, at the Columbia bridge, in York county.

SECTION 17. That it shall be the duty of said commissioners respectively, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the said road may pass, and to lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging the declination of the said road may be preserved within that limit. Commiss'rs
to be under
oath.

SECTION 18. That it shall be the duty of the commissioners respectively, plainly and distinctly to mark on the ground the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, one axe man, and one staff bearer, at a per diem allowance not exceeding one dollar, and the said commissioners respectively shall receive one dollar and seventy-five cents for each and every day while necessarily employed in discharging the duties enjoined upon them by this act, to be paid as is hereinafter directed. Surveyor.
Compensation.

SECTION 19. That it shall be the duty of the said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of October next, and one copy in the office of the clerk of the court of Quarter Sessions of York county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened the full breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the court aforesaid. Dratts
where to be
deposited.

SECTION 20. That the accounts of said commissioners for their own pay and for the pay of surveyors, chain carriers, and paid, Accounts to
be adjusted

axeman, and staff bearer, shall be adjusted by the commissioners of the county of York, and paid by the treasurer thereof, on warrants drawn in the usual way.

Time and place for commiss'rs. to meet.

Vacancies.

Franklin & Titusville turnpike company incorporated

Commiss'rs.

To procure books.

Form of subscription.

Who may subscribe.

Number of shares.

SECTION 21. That the said commissioners shall meet at York Haven on or before the first Monday in May next, or as soon thereafter as practicable, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or otherwise, the court of Quarter Sessions of York county are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 22. That for the purpose of making a turnpike road from a point at or near Franklin in Venango county, to Titusville in Crawford county, John Evans, James Kinneer, Charles Mackey, Edward Pierce, Nimrod Grace, William Elliott, James R. Snowden, Robert Lamberton, Rowletter Power, Alexander McCalnont, Benjamin A. Plumer, Lewis T. Rena, Jonathan R. Sage, Robert McCalmont, Green Hays, Peter Spire, Richard Hamilton, Jonathan Titus, John Robinson, Joseph L. Chase, William Robinson, Hugh Hamilton, William Hamilton, Manus McFadden, John Tarr, Nenian Irwin, Joshua Reynolds, John Breed, James Irwin, Peter Dempsey, Robert Curry, Isaac Archer, Moses Elder, John Wilson, and Isaac Newton, be, and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say; they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Franklin and Titusville Turnpike Road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act authorizing the Governor to incorporate the Franklin and Titusville Turnpike Road company; Witness our hands, the

day of Anno Domini one thousand eight hundred and ;" and shall give at least thirty days notice, in at least one newspaper published in the county of Venango, of the time and places when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place some one or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of six days, or until the books shall have subscribed therein eight hundred shares, and the said commissioners may adjourn from time to time, and transfer the books from place to place

until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require : *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 23. When one hundred or more shares have been subscribed, and the said commissioners, or a majority of them, shall have certified under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the Franklin and Titusville Turnpike Road company, and by the said name the subscribers shall have perpetual succession and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, and of purchasing, taking and holding, to them, and their successors and assigns, and of settling, transferring, and conveying, in fee simple or for any less estate, all such lands, tenements, hereditament and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 24. That the stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Venango, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, four managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and thence until

the annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act, and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next said annual election of said company; they may make and have one common seal, and the same may break, alter, and renew at their pleasure, and make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held

Seal.

Proviso.

Of the treasurer.

SECTION 25. That if any treasurer elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

Annual election.

SECTION 26. That the stockholders shall meet on the first Monday in March in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

Certificates of stock.

SECTION 27. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver over such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars, which certificates shall be transferable in person or by attorney on the books of said company, only subject to the sum due or to become due on the share so transferred.

Of transfer.

Authority to enter upon lands for materials.

SECTION 28. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground, and the quarries of stone and gravel and other materials that may be necessary in making and constructing

the said road, and to survey, lay down, ascertain, mark, and fix such route for said road as in the best of their judgment and skill will combine shortness of distance with the most eligible ground within the point aforesaid.

SECTION 29. The said president and managers shall keep Minutes. minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to appoint, agree, or contract with such engineers, superintendents, artists, laborers, and other persons, as they may think necessary, to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders & regulations of the said company, shall be entrusted to them. Powers. Quorum.

SECTION 30. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in the county of Venango, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable for the recovery of the same, together with the penalty aforesaid. Penalty for neglecting to pay instalments. Forfeiture.

SECTION 31. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous, and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making Authority to enter upon lands. Damages.

How to be
assessed.

amends for damages upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made, upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the proper county, who shall not be interested therein, and upon the tender of the assessed value, to dig, take, and carry away any timber, stone, sand, earth or other materials necessary or suitable for the making said road.

Accounts to
be kept.

SECTION 32. The said president and managers shall keep fair and just accounts, as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall at least once in every year, submit their books and accounts to a general meeting of the stockholders.

Bridges.

SECTION 33. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twenty feet of said width to be made an artificial road, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

Governor to
appoint
viewers.

SECTION 34. That whenever and so often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation, to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor

License.

shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates on and across the said road as will be necessary and sufficient to collect from all persons traveling the same otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*. That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Proviso.

Powers and
penalties.

SECTION 35. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase,

diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitation of action, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburg Turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini one thousand eight hundred and fourteen.

SECTION 36. It shall not be lawful for the president and managers of said company, in their corporate capacity, to Banking issue bills of credit, or notes in the shape of bank notes, or prohibited. to have any banking privileges whatever.

SECTION 37. That for the purpose of making a turnpike Titusville road from Titusville in Crawford county, to Neilsborough in and Neilsbo- Venango county, William Neil, William Broadfoot, Ebene- rough Turn- zer Boyles, Aaron Benedict, John Brown, John Dawson, pike Road Co. Edward Dunham, Samuel Fleming, Samuel Grandon, Jesse Hays, William Howeth, Abraham Lovill, John Lamb, Wil- Commiss'rs. liam Poor, Hiram Goodrich, Joseph L. Chase, John Robinson, James M'Caslin, William Robinson, Joseph M'Caslin, Jonathan Titus, William Curry, Adam Holladay, Wallace Mahen, Robert Curry, Edward Fleming, James Hulings, Alexander Holeman, Nathaniel Siggins, and John A. Dale, be and they are hereby appointed commissioners to do and To procure perform the duties hereinafter mentioned, that is to say, they books. shall procure books and enter therein as follows: We whose Form of names are hereunto subscribed do promise to pay the presi- subscription. dent and managers of the Titusville and Neilsborough Turnpike Road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of An act authorizing the Governor to incorporate the Titusville and Neilsborough Turnpike Road company: Witness our hands, the day of , Anno Domini one thousand eight hundred and ; and shall give at least thirty days notice in at least one newspaper published in the county of Venango, of the time and places when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place some one or more of the said commissioners shall attend, and receive subscrip- Who may tions from all persons of lawful age who shall offer to sub- scribe. scribe in said book, which shall be kept open for the purpose

aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein four hundred shares, and the said commissioners may adjourn from time to time and transfer the books from place to place until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 38. When one hundred or more shares have been subscribed, and the said commissioners, or a majority of them, shall have certified, under their hands and seals, to the Governor, the names of the subscribers and the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of The Titusville and Neilsborough Turnpike Road company, and by the said name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 39. That the stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Venango, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company,

and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, four managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act, and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next said annual election of said company; they may make and have one common seal, and Seal. the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held. Proviso.

SECTION 40. That if any treasurer elected by virtue of Treasurer. this act, shall die, resign, or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 41. That the stockholders shall meet on the first Annual Monday in April in each succeeding year, at such place as election. shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

SECTION 42. The said president and managers shall make Certificates out certificates of stock, signed by the president and coun- of stock. tersigned by the treasurer, and sealed with their corporate seal, and deliver over such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in person Of transfer. or by attorney on the books of said company, only subject to the sum due or to become due on the shares so-transferred.

Authority to enter upon lands. SECTION 43. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures in, through, and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground, and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill, will combine shortness of distance with the most eligible ground within the point aforesaid.

Minutes. SECTION 44. The said president and managers shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Powers.

Quorum.

Penalty for neglecting to pay instalments. SECTION 45. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in the county of Venango, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion, at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at their election, cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Forfeiture.

SECTION 46. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons, and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the proper county, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for the making said road.

Authority to enter upon lands.
Damages to be assessed.

SECTION 47. The said president and managers shall keep Just account and just accounts as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall at least once in every year, submit their books and accounts to a general meeting of the stockholders.

SECTION 48. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twenty feet of said width to be made an artificial road, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

Bridges.

SECTION 49. That whenever and so often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation, to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates on and across the said road as will be necessary and sufficient to collect from all persons traveling the same

to appoint viewers.

License.

otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Proviso.
Powers and penalties.
SECTION 50. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said, and for limitation of action, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburgh Turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini one thousand eight hundred and fourteen.

Banking prohibited.
SECTION 51. It shall not be lawful for the president and managers of said company, in their corporate capacity, to issue bills of credit, or notes in the shape of bank notes, or to have any of the usual banking privileges.

Connells-ville & Pittsburgh turnpike Co.
SECTION 52. James C. Cummings, Alexander Johnston, Joseph Torrence, John Smilie, David B. Long of Fayette county, and Christian Fox, Robert Hitchman, Archibald Boyd, sen'r., Henry Null, and John B. Tarr of Westmoreland county, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of June next, procure a book and enter in it as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Connellsville and Pittsburgh Turnpike road, the sum of twenty-five dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, authorizing the Governor to incorporate the president, managers and company of the Connellsville and Pittsburgh Turnpike road, as witness our hands, the day of _____, in the year of our Lord one thousand eight hundred and _____;" and shall thereupon give notice in one or more of the newspapers printed in the counties of Fayette and Westmoreland, one month, of the time and place when and where the said book shall be opened to receive subscriptions for the stock of the said company, at which time

To procure books.

Form of subscription.

and place some one of the said commissioners shall attend, Who may
 and permit and suffer all persons of lawful age who shall subscribe.
 offer to subscribe in the said book, in their own name or in
 the name of any other person who shall duly authorize the
 same, for any number of shares of the said stock, and the
 said book shall be kept open respectively for the purpose
 aforesaid, for at least six hours in every juridical day for the
 space of three days, and until the said book so opened, shall
 have four hundred shares therein subscribed; and if at the
 expiration of the said three days, the book aforesaid shall not
 have the number of shares aforesaid therein subscribed, the
 said commissioners respectively may adjourn from time to
 time, and transfer the book from place to place, until the
 whole number of shares shall be subscribed, of which ad-
 journment and transfer the said commissioners shall give
 notice, as the occasion may require.

Number of
shares.

SECTION 53. Whenever ten or more persons shall have
 subscribed two hundred shares or more of the said stock, Letters pa-
 the commissioners shall certify under their hands and seals, tent.
 the names of the subscribers and the number of shares sub-
 scribed by each, to the Governor, and thereupon it shall and
 may be lawful for the Governor, by letters patent, under his
 hand and the seal of the state, to create and erect the subscri-
 bers, and if the said subscriptions be not full at the time,
 then also those who shall afterwards subscribe to the number
 aforesaid, into one body corporate and politic, by the name,
 style and title of the president, managers and company of
 the Connellsville & Pittsburg Turnpike road, and by the said
 name the said subscribers shall have perpetual succession,
 and all the privileges and franchises incident to a corpora-
 tion, and shall be capable of taking and holding their said
 capital stock, and the increase and profits thereof, and of
 enlarging the same from time to time by new subscriptions,
 in such manner and form as they shall think proper, if such
 enlargement shall be found necessary to fulfil the intent and
 meaning of this act, and of purchasing, taking and hold-
 ing, to them and their successors and assigns, and of selling,
 transferring and conveying, in fee simple or for any less
 estate, all such lands, tenements, hereditaments and estates,
 real & personal, as shall be necessary to them in the prose-
 cution of their works, and of suing and being sued, and
 doing all and every other matter or thing which a corpora-
 tion or body politic may lawfully do.

Name, style,
and title.

SECTION 54. The commissioners aforesaid, as soon as con-
 veniently may be after the said letters patent shall be sealed
 and obtained, shall give notice in the public papers afore-
 said, of the time and place by them to be appointed, not

Privileges.

- less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, five managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of the said company for one year and until such other officers shall be chosen, and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls as soon as six miles of said road shall be completed, in proportion to the distance, as are given and granted to the president and managers and company of the Pittsburg and Greensburg Turnpike road; and the said Connellsville and Pittsburg road shall commence at the borough of Connellsville, county of Fayette, thence through part of Fayette and Westmoreland counties to intersect the Robbstown and Mount Pleasant Turnpike road at or near M'Kean's old stand, in Westmoreland county: *Provided*, That if the said company shall not proceed to carry on the said work within three years after the passage of this act, and shall not within five years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.
- Organizat'n.**
- Powers and penalties.**
- Proviso.**
- Columbia & Manheim Turnpike company.**
- Commiss'rs. to procure Books.**
- Form of subscription.**
- SECTION 55. John Sheaffer, John Arndt, jun'r. Christian Haldeman, George W. Hamersly, George Ford, jr. John Hoover, Christian Stauffer, Martin Swar, Abraham Long, Robert B. Wright, Edward B. Grubb, John Hostetter, Lewis Wislar, Philip F. Wislar, Doctor F. A. Thomas, James Boon, John Hoover, John Barber and James Given of the county of Lancaster, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of May next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Columbia and Manheim Turnpike Road company, the sum

of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth to incorporate the president and managers of the Columbia and Manheim Turnpike Road company; Witness our hands, the _____ day of _____ in the year of our Lord one thousand eight hundred and thirty-_____ and thereupon shall give notice in two or more public papers printed in the city and county of Lancaster, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one of the said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other persons, who shall duly authorize the same, for any number of shares of stock, and the said books shall be kept open respectively for the purposes aforesaid. at least six hours in every judicial day, for the space of six days, or until the said books shall have two thousand shares therein subscribed; and if at the expiration of the said six days the books aforesaid shall not have the said number of two thousand shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to two thousand, the same shall be closed; *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 56. When twenty persons or more shall have subscribed four hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of

Who may
subscribe.

Number of
shares

Proviso

Letters
patent.

Name style & title.	<p>the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President and Managers of the Columbia and Manheim Turnpike Road company," and by the said name the subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.</p>
Privileges.	
Organization	<p>SECTION 57. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the county of Lancaster, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, seven managers, one treasurer and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: <i>Provided always</i>, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.</p>
Proviso.	
Annual election.	<p>SECTION 58. The said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner</p>

aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 59. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Certificates
of Stock

Seal.

Of transfer.

SECTION 60. If after the thirty days notice in two of the public newspapers printed in the county of Lancaster, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay any such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalments so called for, pay after the rate of two per cent. per month for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Penalty for
neglecting
to pay instal-
ments.

Forfeiture.

SECTION 61. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met five members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and

Meetings.

Quorum.

Minutes.

Powers.

authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when and the manner and proportion in which the stockholders shall pay the monies due on their respective shares in order to carry on the work, to draw orders on the treasurer for monies necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act and the by-laws, rules, orders and regulations of the company shall be committed to them.

How road to
be made.

SECTION 62. It shall be lawful for the said president and managers to cause a road to be laid out forty feet wide, and at least eighteen feet thereof to be made an artificial road, bedded with wood, stone, gravel or other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the materials will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the north end of Locust street in the borough of Columbia, upon or near the road now in use, to George Getz's mill, from thence by way of Jacob Gamber's tavern, in the most direct course the situation of the country will admit of, to the village of Mannheim.

Authority to
enter upon
lands.

SECTION 63. It shall be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains, and other carriages and beasts of draft or burden, to enter upon the lands in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and

Damages.

making amends for any damages that may be done to any

improvements thereon, and also for the value of the materials, by appraisements, to be made in the manner hereinafter directed, or upon reasonable agreement, if they can agree, if they cannot agree, then upon an appraisement, to be made upon oath or affirmation, by three disinterested and reputable freeholders, to be mutually chosen, whose award, or the award of any two of them, shall be final; and if either the said president and managers or the said owners shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders, and upon tender of the value so appraised as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his or their directions, to dig, take and carry away any stone, gravel, sand or earth then being most conveniently situated for making or repairing the said road.

SECTION 64. So soon as the said president, managers and company shall have perfected the said road from the borough of Columbia the distance of two miles, and also when they shall have completed the remainder of the distance to the village of Manheim, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the Governor shall, by license, under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company to erect and fix so many gates and turnpikes upon and across the said road as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and in returning therefrom.

SECTION 65. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach,

coachee, sulkey, chaise, chair, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes until they shall respectively have paid the same, that is to say; for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs six cents; for every score of sheep six cents; for every score of cattle twelve cents; for every horse and his rider or led horse three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses nine cents; for every chariot, coach, phaeton or dearborn with one horse and four wheels eight cents; for every chariot, coach, phaeton or chaise with two horses and four wheels twelve cents; for either of the carriages last mentioned with four horses twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses twelve cents, and for every such wagon with four horses twenty cents; for every sleigh three cents for each horse drawing the same, and for every sled two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches six and a quarter cents for each horse drawing the same, and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches three cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than seven inches and not more than ten inches, and being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than twelve inches one cent for every horse drawing the same; and if any person or persons shall represent to the said company or any of their officers, that he, or she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence, forfeit and pay to the use of said company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled

Penalty for
defrauding
the Comp'y

along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of ten dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

SECTION 66. All such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. Two oxen estimated as equal to one horse.

SECTION 67. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of Quarter Sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found Proceedings in case of neglect to keep the road in good order

Fines and
penalties.

defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for
attempting
evade the
payment of
toll.

SECTION 68. If any person or persons whosoever, owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep, or other cattle, shall there-with pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president and managers and company of the Columbia and Manheim Turnpike road any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of similar amount are by law sued for and recovered : *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid shall receive from the company the sum of ten dollars in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Proviso.

SECTION 69. The president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained.

SECTION 70. The said president and managers and company shall also keep a just and true account of all and every of the monies received by their several and respective collectors of tolls at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Monday in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place where the same will be paid, and shall cause the same to be paid accordingly.

SECTION 71. The said company shall cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the northern limits of the borough of Columbia, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Columbia and the distance from the nearest gates or turnpikes in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place for the information of travellers and others using the said road; and if any person shall willfully destroy the said mile stones or deface the same, or

Just acc'ts
to be kept
and submit-
ted annually
to the stock-
holders.
Dividends.
Mile stones.
Penalty for
defacing
mile stones.

deface the directions made on the said gates or other conspicuous places aforesaid, or shall without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more creditable and disinterested witnesses before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts of like amount are by law recoverable, which fine when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

How the
road is to
be used.

SECTION 72. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage as will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of like amount are by law recoverable; and no wagoner or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction at a faster gait than a trot, at the rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half for the use of the said company and the other half to the use of the informant.

Penalty.

Time for
commencing
and comple-
ting the
work, &c.

SECTION 73. If the said company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within five years afterwards complete the said road to the village of Manheim, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties and privileges and franchises hereby granted to the company shall revert to this commonwealth.

Roads in
L. Chance-
ford t—p.

SECTION 74. That the eighteenth section of an act entitled "An act declaring the streets in the town of Mifflinburg, in Columbia county, public highways, and relating to Duquesne Way Pittsburg Gas Works, and for other purposes," so far as relates to laying out and keeping in repair the roads in the township of Lower Chanceford, is hereby repealed,

and the act of assembly entitled "An act relating to roads, highways and bridges," passed on the thirteenth day of June, eighteen hundred and thirty-six, and such other acts as may not have been thereby supplied, may hereafter be and remain in full force in said township.

SECTION 75. That so much of the act passed the fifteenth day of April, one thousand eight hundred and thirty-four, as provides for the election of supervisors, and their acting in capacity of overseers of the poor, is hereby repealed, so far as regards the townships of Plymouth, Kingston, and Tunkhannock, in Luzerne county.

Relative to supervisors acting as overseers of the poor in certain t'ps.

SECTION 76. That the time for completing the work authorized by the act of the fifth day of April, one thousand eight hundred and thirty, entitled "An act authorizing the Governor to incorporate a company for making a turnpike road from the north end of the bridge over Powell's creek, in Dauphin county, through Halifax, Millersburg, Georgetown, and Sunbury, to the south-east end of the Northumberland bridge in Northumberland county," be, and the same is hereby extended for a further period of five years.

Turnpike road from Powell's creek bridge to Northumberland bridge.

SECTION 77. That William Back, Abraham Albright, of Schuylkill county, and Peter Kline of Berks county, be, and they are hereby appointed commissioners to view, lay out and mark a state road leading from the borough of Orwigsburg in the county of Schuylkill, passing Samuel Yost's tavern, McKeanburg, and Daniel Weaver's mill, from thence to intersect the state road near George Reagan's iron works, in Albany township, Berks county, by the best and nearest route.

State road in Schuylkill & Berks co.

Commissioners appointed.

SECTION 78. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them the route adopted may best

Commissioners to be sworn or affirmed.

Duties to be performed.

promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same ; and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties of this act, together with all necessary provisions, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition ; and the said commissioners are hereby authorized to employ one surveyor, at two dollars per day, two chain bearers and one axeman, at a per diem allowance not exceeding one dollar.

SECTION 79. The said commissioners shall meet on or before the first Monday in August next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, (and complete the location of said road as soon as practicable,) and if any vacancy or vacancies shall happen by resignation or any other cause, the Governor, or the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 80. It shall be the duty of the commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the several courts of Quarter Sessions of the counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

SECTION 81. The accounts of the commissioners for their own pay & for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which the said road shall pass, and paid by the treasurers thereof, on warrants, drawn in the usual way.

SECTION 82. It shall be the duty of the said commission-Releasees. ers to take from each and every person or persons owning lands along the road by them laid out acquittances or releases from any claim or damages: *Provided*, such releases PROVISO. can be obtained upon the condition that such road shall pass through such person or persons land or lands, and file the same in the commissioner's office of the proper county.

LEWIS DEWART,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 45.

An Act

Authorizing the Canal Commissioners to settle and adjust the claim of Arts and Dobbins, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Appraisers of Canal Damages be, and they are hereby directed to examine if any and what amount of damages have been sustained by Arts and Dobbins, salt manufacturers, on the Conemaugh river, in the county of Westmoreland, in the destruction of a quantity of manufactured salt by the overflow of the river aforesaid, on February tenth, eighteen hundred and thirty-two, which overflow it is alleged was caused by a large quantity of earth, stones, &c. taken from the Pennsylvania Canal at that place, and by the orders of the Canal Commissioners placed in the said river, at a bend a short distance below the salt works of the said Arts and Dobbins; and if should they think that the said Arts and Dobbins are in equity and justice entitled to amount. damages for the injury aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages done in the construction of canals and railroads by this commonwealth. Appraisers to examine damages sustained by Arts & Dobbins. To report amount. Payment.

Lackawanna and Susquehanna Railroad Co. authorized to construct a branch.

SECTION 2. That the president and managers of the Lackawanna and Susquehanna Railroad company shall be authorized to construct a lateral branch railroad, commencing at or near the Starucca summit, in the county of Wayne or Susquehanna, to extend on the shortest and best route to the West Branch of the Lackawaxen river, thence to or near Honesdale, thence down the main branch of said river to its mouth, and thence down the Delaware river to Dunning's ferry, opposite to Carpenter's point, under the like provisions and restrictions as are contained in the original act for incorporating the said company, which is hereby made part and parcel of this act, so far as the same shall or may be applicable thereto.

Authority to extend the main line.

SECTION 3. The president and managers aforesaid be authorized to extend the main line of railroad from or near the mouth of the Starucca creek up the Susquehanna river to the state line.

Number of shares may be increased

SECTION 4. That the president and managers aforesaid, at a stated or special meeting convened for that purpose, may increase the number of shares so that the capital stock of said company shall not exceed one million five hundred thousand dollars, and shall receive and demand the monies so subscribed, in like manner and under like penalties as are provided for in the original act.

Appraisers to examine damages sustained by W. Barker.

SECTION 5. That it shall and may be the duty of the Appraisers of Damages on the Pennsylvania Canal, as soon as practicable, to ascertain the amount of damage done to and sustained by William Barker in the carrying away and destroying of his salt on the Conemaugh river by the freshet of the month of February, one thousand eight hundred and thirty-two, and if in their opinion the said loss was occasioned by the narrowing of said river in constructing the canal, then to report the amount of damages they shall think the said William Barker shall in equity and justice be entitled to, which sum so reported, shall be paid out of the damage fund, as in other cases of damages sustained by reason of the construction of the Pennsylvania Canal: *Provided*, Said damages so assessed, shall in no event exceed the sum of seven hundred dollars.

Payment.

Proviso.

Canal Commissioners to ascertain the amount of damages sustained by C. Robinson and report, &c.

SECTION 6. That it shall be the duty of the Canal Commissioners to ascertain the amount of damages sustained by Catharine Robinson, in the burning her barn, hay, and the grain therein, destroyed by fire communicated from the burning of logs and brush in clearing the ground on the line of canal near Meadville, in the year eighteen hundred and thirty-three, and if in their opinion the said Catharine Robinson is entitled to damage, then to report the amount of

damage said claimant is entitled to, which sum shall be paid out of the damage fund, as in other cases of damages sustained by reason of the construction of the Pennsylvania Canal, and that the sum so assessed, when paid, shall be in full of all claims for damages in the premises: *Provided*, That the said damages so assessed, shall not exceed the sum of four hundred dollars in the case of Catharine Robinson.

SECTION 7. That the Appraisers of Damages be and are hereby directed to examine if any and what amount of damage Elijah Morrison, of Wayne township, Mifflin county, has sustained by the construction of the Pennsylvania Canal through and upon his land in said township, in the same manner as if he had taken his appeal regularly from the decision of the board of Canal Commissioners to the said Appraisers, and that if the said Elijah Morrison has sustained any damages, that the same be paid him out of the funds of the commonwealth, as in other cases.

SECTION 8. That the Appraisers of Canal Damages are hereby directed to re-examine if any and what amount of damages have been sustained by Abraham Bruner, junior, Lawrence Miller, and Andrew Ferguson, junior, of Lycoming county, by the construction of the West Branch Division of the Pennsylvania Canal, and report the damages to which they shall think the said Abraham Bruner, junior, Lawrence Miller, and Andrew Ferguson, junior, respectively, shall in equity and justice be entitled, which sum or sums so reported, shall be paid out of the damage fund, as in all similar cases: *Provided*, The Appraisers aforesaid are fully satisfied by the investigation that the Commonwealth of Pennsylvania is responsible and ought to pay the damages contemplated by the foregoing sections.

SECTION 9. That the board of Appraisers of Canal Damages be, and they are hereby authorized and required to re-examine and assess the damages, if any, which may have been sustained by Sansom Perot, Francis Perot, Joseph Perot, William S. Perot and Samuel B. Morris, of the county of Philadelphia, by reason of the construction of the Philadelphia and Columbia Railroad through their lands on Coates street, near the river Schuylkill, in said county, and it shall be the duty of the said board of appraisers to issue subpoenas for witnesses, and examine them upon oath or affirmation, in relation to the claim of the said Sansom Perot, Francis Perot, Joseph Perot, William S. Perot and Samuel B. Morris, and the said board of appraisers, or any of them, in the presence of the others, shall have power to administer oaths or affirmations to all such witnesses as it may be necessary to examine.

Time for commencing ra and Cold Run Tunnel and Railroad provided for in the and comple- act entitled An act to incorporate the Tuscarora and Cold Run Tunnel and Railroad company, passed sixth day of April, eighteen hundred and thirty, and the supplement thereto, passed the seventh day of May, eighteen hundred and thirty-two, is hereby extended to three years from and after the passage of this act, and for completing the same to six years from the date of this act.

The claims of Geo. D. Foreman to be re-examined. SECTION 11. That the Canal Commissioners be, and they are hereby authorized to require a re-examination to be made of the claims of George D. Foreman, contractor for lock number one on the Erie Extension of the Pennsylvania Canal, for injuries sustained in consequence of the flowing of water back on the said lock, caused by the erection of the Shenango Feeder Dam, and if upon re-examination, they are satisfied that he has sustained damage for which he has not been compensated, then to make such allowance as shall be just and reasonable.

In re-assess- ments autho- rized by this act, the bene- fits derived from the construction of the canal are to be considered. SECTION 12. That in all applications for re-assessments authorized by this act, the board of Appraisers shall take into consideration the benefits which the applicants derive from the construction of the Pennsylvania Canal, according to the general law of this commonwealth in such cases, and if any former decision of said appraisers shall be affirmed, or the amount heretofore assessed in favor of the petitioners, if any, shall not be increased, then the petitioners in each case so determined to pay all the expenses of said appraisalment.

Damages sustained by John Newbold of Bucks co. to be examined and paid. SECTION 13. That it shall be the duty of the Appraisers of Canal Damages to ascertain if any and what amount of damages have been sustained by John Newbold, by the construction of the Pennsylvania Canal through his farm near Bristol, Bucks county, by the destruction of his crops by the water from the same, and the value of the ground taken by the commonwealth for a lock house and garden, and report the amount of damages to which they shall think the said John Newbold shall be in equity and justice entitled, which sum so reported, shall be paid out of the damage fund as in all similar cases.

Damages sustained by Jno. Wilson and David Lynch to be examined and paid. SECTION 14. That the Appraisers of Damages be, and they are hereby directed and required, to examine if any and what amount of damages have been sustained by John Wilson and David Lynch, in the destruction of salt and other property by the breaking of dam number one, on the Western Division of the Pennsylvania Canal, and should they think that the said John Wilson and David Lynch are in

equity & justice entitled to damages for the injury aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages done in the construction of the canals and railroads of this commonwealth.

SECTION 15. That the Appraisers of Damages be, and they are hereby authorized and required, to examine if any and what amount of damages have been sustained by Ebenezer M. Bigham, of Armstrong county, by reason of the location and construction of dam number one, on the Western Division of the Pennsylvania Canal, (should the appraisers aforesaid think the state is in equity and justice bound or obligated to pay the same,) which shall be paid out of the damage fund, and allowed by the Auditor General as in all similar cases: *Provided*, That the said claimant has not heretofore received any compensation for the damages aforesaid. Damages sustained by E. M. Bigham of Armstrong co. to be examined and paid. Proviso.

SECTION 16. The Appraisers of Damages be, and they are hereby authorized and directed to examine if any and what amount of damages have been sustained by Daniel & Samuel Kistler, salt manufacturers on the Kiskiminetas river, on the Western Division of the Pennsylvania Canal, in the destruction of salt and other property by the breaking of dam number one on said canal on the morning of the ninth of February, eighteen hundred and thirty-two, and should they think that said Daniel and Samuel Kistler are in equity and justice entitled to damages for the injury aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages done in the construction of canals and railroads by this commonwealth. Damages sustained by D. and S. Kistler to be examined and paid.

SECTION 17. The Canal Commissioners be, and they are hereby authorized and required to examine into and settle the claim of David Kelly, of Butler county, in the Commonwealth of Pennsylvania, for alleged grievances in the estimate made on his contract for the erecting of the abutments of the bridge at New Castle, Mercer county, strictly conforming however, to the provisions of the fourth section of the act entitled "An act relative to the appointment of Canal Commissioners," passed April sixth, Anno Domini one thousand eight hundred and thirty; the said examination and settlement to be as effectual in law as if the said David Kelly had appealed from the final estimate of said contract within the time mentioned, and in all other respects had complied with the provisions of that part of the act referred to: *Provided*, That no such adjustment of the claim aforesaid has been made or appeal lawfully entered and prosecuted by the said

David Kelly or his attorney, or an appeal been regularly entered but not prosecuted according to the fourth section of the act aforesaid.

Claim of David, Sidney S. & H'y H. Easton of Cambria co. to be examined and settled.

SECTION 18. The Canal Commissioners be, and they are hereby authorized and required to examine into and settle the claim of David, Sidney S. and Henry H. Easton, of Cambria county, in the Commonwealth of Pennsylvania, for alleged grievances in the estimate of the extra work done and materials furnished on and for sections from number thirty-one to thirty-five, both inclusive, of the Allegheny Portage Railroad, and also for extra work done and materials furnished for engine house and road sheds at inclined plane number five of said road, strictly conforming however, to the provisions of the fourth section of the act entitled "An act relative to the appointment of Canal Commissioners," passed April sixth, A. D. one thousand eight hundred and thirty; the said examination and settlement to be as effectual in law as if the said David, Sidney S. and Henry H. Easton had appealed from the final estimate of said extra work done and materials furnished on said sections, engine house and road sheds, within the time mentioned, and in all other respects had complied with the provisions of that part of the act referred to: *Provided*, That no such adjustment of the claim aforesaid has been made, or appeal lawfully entered and prosecuted by the said David, Sidney S. and Henry H. Easton, or either of them, or their attorney, or the attorney of either of them, or an appeal been regularly entered but not prosecuted according to the fourth section of the act aforesaid.

Proviso.

Damages sustained by John Royer, to be ascertained and paid.

SECTION 19. It shall be the duty of the Appraisers of Damages on the Pennsylvania Canal, as soon as practicable, to ascertain the amount of damage done to and sustained by John Royer in the carrying away and destroying of the salt on the Conemaugh river by the freshet of the month of February, one thousand eight hundred and thirty-two, and if in their opinion the said loss was occasioned by the narrowing of said river in constructing the canal, then to report the amount of damages they shall think the said John Royer shall in equity and justice be entitled to, which sum so reported, shall be paid out of the damage fund, as in other cases of damages sustained by reason of the construction of the Pennsylvania Canal.

Claim of Jos. Adams of Huntingdon county.

SECTION 20. The Canal Commissioners be and they are hereby authorized and required to examine into and settle the claim of Joseph Adams, of Huntingdon county, in the Commonwealth of Pennsylvania, for retained per centage

kept off him when settling for the building of lock number thirty-two on the Frankstown line of the Juniata Canal.

SECTION 21. The board of Canal Commissioners be, and they are hereby authorized and required to investigate the claims of Josephine C. B. Nourse, of the county of Northumberland, for work done by Joseph Nourse, her late husband, as a contractor on the North Branch Division of the Pennsylvania Canal, and by her the said Josephine, as his administratrix, in completion of the contracts, to remeasure or cause to be remeasured, the work done on the said contracts, to examine on oath or affirmation, such witnesses as may be offered in support of said claims, and also such documentary evidence as may be produced, and to adjust the same upon the principles of justice and equity.

Claim of Josephine C. B. Nourse of Northumberland co., to be investigated.

SECTION 22. The board of Appraisers of Damages be, and they are hereby authorized and required to investigate the claims of the said Josephine C. B. Nourse, for damages sustained in the construction of the North Branch Division of the Pennsylvania Canal through her land, and also for property taken by the agents of the commonwealth for use of said canal, and the said damages, if any, shall be paid out of the fund provided for the payment of damages, and audited in the usual way.

Damages to be paid.

SECTION 23. The Appraisers of Damages be, and they are hereby required to examine if any, and what amount of damages have been sustained by Benjamin Reynolds of the county of Luzerne, by the overflow of his lands caused by the erection of the Nanticoke Dam, on the North Branch Division of the Susquehanna river, and should they think that he is in equity and justice entitled to damage for the injury aforesaid, they shall report the same, which shall be paid out of the fund appropriated for the payment of damages done in the construction of the canals and railroads of this commonwealth.

Damages sustained by Benj. Reynolds, to be examined & paid.

SECTION 24. That it shall be the duty of the Appraisers of Damages of this commonwealth to re-examine if any, and what amount of damages have been sustained by Jameson Harvey, of Luzerne county, in the overflow of certain of his land situate in Plymouth township in said county, caused by the erection of the Nanticoke Dam, on the North Branch of the Susquehanna river, shall report the sum to which in equity and justice they shall think him entitled, which shall be paid out of the fund appropriated to payment of damages caused by the construction of the canals and railroads of this commonwealth; and it shall be the duty of the Canal Commissioners to take the examination of witnesses in reference to the said claim.

Damages sustained by J. Harvey of Luzerne co to be re-examined and paid.

Accounts & claims of J. Sterling & Co. to be settled and paid.

SECTION 25. The Canal Commissioners be, and they are hereby authorized and instructed to inquire into and settle and adjust upon fair and equitable principles, the accounts and claims of James Sterling and company, contractors on sections numbers twenty-seven and twenty-eight of the Tioga line, North Branch Division of the Pennsylvania Canal, and to pay the balance found due said James Sterling and company, if any, out of any monies appropriated to said canal.

Damages sustained by Dav. White, to be ascertained and paid.

SECTION 26. It shall be the duty of the Appraisers of Damages to ascertain the amount of damages sustained by David White in the construction of the Beaver Division of the Pennsylvania Canal, and thereby depriving him of water privileges on the Neshanock creek, in Beaver county, and if in their opinion the said David White is entitled to damage, then to report the amount of damage said claimant is entitled to, which sum shall be paid out of the improvement fund, as in other cases of damage sustained by the construction of the Pennsylvania Canal, and that the same when paid shall be in full of all demands for damages in the premises.

Damages sustained by Sarah Perkins of Crawford co., to be ascertained and paid.

SECTION 27. It shall be the duty of the Canal Commissioners of this Commonwealth to ascertain if any, and what amount of damage has been sustained by Sarah Perkins, of Crawford county, caused by the construction of the French Creek Feeder, and should they believe that she has sustained damages as aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages caused by the construction of the canals and railroads of this commonwealth.

Relative to estimating damages referred to in the foregoing sections.

SECTION 28. That in estimating the damages provided for in each of the foregoing sections, the amount heretofore assessed and paid, and the advantages accruing to the property by the construction of the public improvements shall be taken into consideration and deducted from the damages awarded in pursuance of this act, and in all of said claims, if there should be no damages found in favor of the claimant, the expense of making such examination shall be assessed by the canal board, and paid by the claimants.

Damages sustained by Phebe, Lydia, Anna, Elizabeth & Richard M. Thomas and John Glenn, to be ascertained and paid.

SECTION 29. That the Canal Commissioners be, and they hereby are authorized and required to inquire into and ascertain whether the losses lately sustained by Phebe Thomas, Lydia Thomas, Anna Thomas and Elizabeth Thomas, and also by Richard M. Thomas, and also by John Glenn, all of the county of Chester, by the burning of their property, were caused by fire from any locomotive engine or engines belonging to the commonwealth, and if they find the said property was consumed by fire from any of the aforesaid

locomotive engine or engines, then the said Canal Commissioners shall ascertain the actual loss sustained by the said persons, and what damages they are entitled to, and shall pay the same to the said Phebe Thomas, Lydia Thomas, Anna Thomas and Elizabeth Thomas, and also to the said Richard M. Thomas, and also to the said John Glenn, out of any money in the treasury not otherwise appropriated, and said payment shall be allowed by the Auditor General as in other cases: *Provided*, That if it appear to the said Canal Commissioners that any portion of the said property was suffered through negligence to be burned which might by reasonable and proper exertion have been saved, no damage shall be allowed for the loss of such property so suffered to be destroyed.

LEWIS DEWART,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 46.

An Act

Authorizing the Governor to incorporate the Mahoning, Kittanning and Freeport Turnpike Road Company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That for the purpose of constructing a turnpike road from the borough of Freeport, in Armstrong county, by the way of Kittanning, to the top of Mahoning hill, near where the Olean road crosses said hill, Robert Orr, Alexander Colwell, Philip Mechling, David Reynolds, W. W. Gibson, Jacob Weaver, William P. Rupp, James E. Brown, Jacob Mechling, John Gilpin, James Douglass, Joseph Morgrove, Samuel Hutchison, Thomas Donaldson, Walter Sloan, William Peart, William Bitts, Joseph Brown, James Sloan, James Green and David Lawson, or

To procure books.	any six of them, be, and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say, they shall procure books and enter therein as follows : We whose names are hereunto sub-
Form of subscription.	scribed, do promise to pay to the president and managers of the Mahoning, Kittanning and Freeport Turnpike Road company, the sum of fifty dollars for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers in pursuance of the act authorizing the Governor to incorporate the Mahoning, Kittanning and Freeport Turnpike Road company ; Witness our hands, the day of , Anno Domini one thousand eight hundred and , and shall give at least thirty days notice, in at least one newspaper published in the county of Armstrong, of the time and places when and where the said books shall be open to receive subscriptions of stock of the said com-
Who may subscribe.	pany, at which time and place some one or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein six thousand shares, and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require: <i>Provided always</i> , That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.
Number of shares.	
Proviso.	SECTION 2. When one hundred or more shares have been subscribed, and the said commissioners, or a majority of them, shall have certified under their hands and seals to the Governor the names of the subscribers, and the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterward subscribe into one body politic and corporate, in deed and in law, by the name, style and title of the Mahoning, Kittanning and Freeport Turnpike Road company, and
Letters patent.	
Name, style and title.	

by the said name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Privileges.

SECTION 3. That the stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Armstrong, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next said annual election of said company; they may make and have one common seal, and the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation; *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held. Organizat'n.
Seal.
Proviso.

SECTION 4. That if any treasurer elected by virtue of this act shall die, resign, or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, Of the
Treasurer.

shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

Annual
election.

SECTION 5. That the stockholders shall meet on the first Monday in May in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

Certificates
of Stock.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver over such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars, which certificate shall be transferable in person or by attorney, on the books of said company, only subject to the sum due or to become due on the shares so transferred.

Of transfer.

Authority to
enter upon
lands for
materials
&c.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill will combine shortness of distance with the most eligible ground within the point aforesaid.

Quorum.

Meetings.

Powers.

SECTION 8. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and

transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall entrust to them.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Armstrong, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days, as aforesaid, the president and managers may at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid. Penalty for neglecting to pay instalments. Forfeiture.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, when the land is occupied, and to the owners thereof when it is unoccupied, and doing as little damage thereto as possible, and making amends for damages, upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Armstrong, who shall not be interested therein, and upon the tender of the assessed value, taking into consideration the advantages as well as the disadvantages which may be sustained by the owner or owners of said land or lands, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for the making said road : *Provided*, That the managers or directors of the said road shall always pay the amount of the damages estimated Authority to enter upon lands. Damages to be paid. How to be assessed. Proviso.

as aforesaid, before entering upon any land or lands for the purpose of commencing operation in the construction of the whole or any part of the said road.

Just ac-
counts to be
kept &c. SECTION 11. The said president and managers shall keep fair and just accounts, as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders.

Bridges, &c. SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twenty feet of said width to be made an artificial road, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

Governor to
appoint
viewers. SECTION 13. That whenever and so often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by
License. license under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes on and across the said road as will be necessary and sufficient to collect from all persons traveling the same
Proviso. otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Powers and
penalties. SECTION 14. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitations of action, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted

to the president, managers and company of the Greensburg and Pittsburg Turnpike road in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini one thousand eight hundred and fourteen.

SECTION 15. It shall not be lawful for the president and managers of said company, in their corporate capacity, to issue bills of credit, or notes in the shape of bank notes, or to have or exercise any banking privileges.

SECTION 16. William Jackson, John Williams, Levi Bell, Gibson and Edward Denny, Artemus B. Woodward, Abijah Wells, Greenfield and Samuel Weston, be, and they are hereby appointed turnpike co. commissioners to do and perform the duties hereinafter mentioned, that is to say, they shall procure a book and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Gibson and Greenfield Turnpike Road company the sum of twenty-five dollars for every share of stock in said company

Commissioners to procure books.

Form of subscription.

by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of the act authorizing the Governor to incorporate the Gibson and Greenfield Turnpike Road company; Witness our hands, the

day of _____, Anno Domini one thousand eight hundred and _____;

and shall give at least thirty days notice in a newspaper published in Susquehanna county, of the time and place when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place two or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of six days, or until the book shall have subscribed therein two hundred shares, and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require.

Who may subscribe.

Number of shares.

SECTION 17. When ten or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seal to the Governor the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into

Letters patent.

Name and style. one body politic and corporate, in deed and in law, by the name, style and title of the Gibson and Greenfield Turnpike Road company, and by the said name the subscribers shall have perpetual succession, and the privileges and franchises

Privileges. incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of the act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization. SECTION 18. The stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after issuing the same, give notice in one or more of the newspapers published in the county of Susquehanna, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held not exceeding five, but no share or number of shares above five shall entitle the holder thereof to a vote at any election or meeting of said company: *And provided also*, That no person shall be entitled to hold the office of president, manager or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no

Seal.

Proviso.

2d Proviso.

3d Proviso.

stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid and discharged.

SECTION 19. If any treasurer, elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon himself and perform all duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed until the next election by the stockholders on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 20. The stockholders shall meet on the first Monday in January in each year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid, such officers for the year ensuing the term of service of those previously elected.

SECTION 21. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held the sum of five dollars, which certificate shall be transferable in person or by attorney on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

SECTION 22. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill will combine shortness of distance with the most eligible ground, beginning on the Lenox and Lanesborough Turnpike road, in the township of Gibson, Susquehanna county, at or near where the Collar road (so called) intersects said Turnpike

road, and ending on the Clifford and Wilkesbarre Turnpike road, in Greenfield township, Luzerne county, at or near where the Carbondale road intersects the last mentioned turnpike.

Quorum.
Minutes.

Powers.

SECTION 23. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineer, superintendents, artists, laborers and other persons as they may think necessary, to make and construct said road and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters or things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Penalty for
neglecting
to pay in-
stalments.

SECTION 24. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers, one printed in Susquehanna county, the other in Luzerne county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment of any stockholders of such instalments as aforesaid for the space of sixty days as aforesaid, the president and managers may at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Forfeiture.

Authority to
enter upon
lands, &c.

SECTION 25. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making

amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the said land lays, who shall not be interested therein, and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road.

SECTION 26. The said president and managers shall keep fair and just accounts as well of all monies received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of the original subscriptions.

SECTION 27. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route wherever the same shall be found necessary, and shall cause a road to be laid out, not exceeding fifty feet in width, and shall cause at least twelve feet of said width to be made an artificial road, of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners.

SECTION 28. Whenever and as often as the said company shall have finished five miles or more of road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested

Damages,
how to be
assessed.

Just ac-
counts to be
kept.

Number of
shares may
be increased.

Bridges.

Dimensions
of road.

Proviso.

Governor to
appoint
viewers.

persons to view and examine the same, report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect from all persons otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades and trainings, or divine worship on the Sabbath day, shall at all times be exempted from payment of any toll on said road.

License.

Proviso.

Tolls.

SECTION 29. The said company, having perfected the said road, or such part thereof, from time to time as aforesaid, and being examined, approved and licensed, as aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as they shall think proper, collect and receive of and from all and every persons or persons using the said road the tolls and rates hereinafter mentioned, and stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriages of burden or pleasure, from passing through the said turnpike or gates until they shall have respectively paid the same, that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually travelled, or for any greater or less number of sheep, hogs or cattle, to wit: For every score of hogs six cents; for every score of sheep six cents; for every score of cattle twelve and a half cents; for every horse and his rider or led horse three cents; for every sulkey, chair or chaise, with one horse and two wheels six cents, and with two horses nine cents; for every chariot, coach, phaeton or chaise with four wheels and two horses twelve and one half cents; for either of the carriages last mentioned with four horses twenty cents; for every other carriage of pleasure, under whatsoever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every sled two cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon the wheels of which shall exceed in breadth four inches and not exceeding seven inches, three cents for each horse drawing the same; for every cart

or wagon the breadth of the wheels of which shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and all carriages as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse; and if any person or persons shall represent to the said company or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of the said company any sum not exceeding five dollars; and if any toll gatherer shall demand and receive greater or other toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of twenty dollars for every such offence to the supervisors of the highways of the township in which the forfeiture is incurred, for the repairs of the roads in the said township, and for payment of which the said company shall be responsible: *Provided always,* That it shall and may be lawful for the said company, by their by-laws to regulate the burden on carriages to be drawn along the said road, in such manner as shall be found from experience to be most conducive to the public convenience and the advantage of said company.

Penalty for attempting to defraud the company, or travelers on the road.

Proviso.

SECTION 30. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitations of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted by the act entitled "A supplement to an act entitled An act authorizing the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg."

Powers and penalties.

Waterstreet and Clearfield turnpike Co. SECTION 31. Thomas Wallace, John S. Isett, Anthony Stewart and Archibald Hutchinson, of Huntingdon county, James McGirt and William Bagshaw of Centre county, and Henry Lorain of Clearfield county, be, and are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure a book and enter in it as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Waterstreet and Clearfield Turnpike road, the sum of twenty-five dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth authorizing the Governor to incorporate the president, managers and company of the Waterstreet and Clearfield Turnpike road, as witness our hands, the day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in one or more of the newspapers printed in the counties of Centre, Huntingdon and Clearfield, for one month, of the time and place when and where the said book shall be opened to receive subscriptions for the stock of the said company, at which time and place some one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in the said book, in their own name or in the name of any other person who shall duly authorize the same, for any number of shares of the said stock, and the said book shall be kept open respectively for the purpose aforesaid, for at least six hours in every juridical day for the space of three days, and until the said book so opened shall have two hundred shares therein subscribed, and if at the expiration of the said three days the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the book from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give notice as the occasion may require.

Who may subscribe.

Number of shares.

Letters patent. SECTION 32. Whenever ten or more persons shall have subscribed fifty shares or more of the said stock, the commissioners shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the

time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by ^{Name, style} the name, style and title of the President, Managers and ^{and title.} Company of the Waterstreet and Clearfield Turnpike road, and by the said name the said subscribers shall have perpetual Privileges. succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

SECTION 33. The commissioners aforesaid, as soon as ^{Organizat'n} conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, five managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authorities and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls, as soon as five miles of said road shall be completed, in proportion to the distance, as are given and granted to the president and managers and company of the Phillipsburg and Susquehanna Turnpike road, and the said Waterstreet and Clearfield road shall commence at the town of Waterstreet, in the county of Huntingdon, thence via Phillipsburg, in Centre county, to intersect the Snow Shoe and Packersville Turnpike road, at the best and most suitable point east of John ^{Powers.}

Proviso.

Kyler's, in Clearfield county : *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, and shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

Kittanning
Bridge Co.

Commiss'rs
to procure
books.

Form of sub-
scription.

Number of
shares.

SECTION 34. James Steward and Daniel Stanard, of Indiana county, William Ayres, Jacob Mechling, John Bredin and John Gilmore, of the county of Butler, Samuel Houston, Philip Mechling, Alexander Colwell, David Reynolds, James E. Brown, Chambers Orr, Robert Cunningham, Robert Robinson, Jacob Thomas, John Craig, Frederick Christman, David Johnston, Elijah Horner, James Semple, David Hall, John Templeton, Thomas Forster, John Gilpin, Robert Orr, of Armstrong county, and Wilson Jack and John Y. Barclay, of Westmoreland county, or any ten of them, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of September next, provide a book or books for the entering of subscriptions, and shall write therein as follows : " We whose names are hereunto subscribed, do promise to pay to the president and managers of the Kittanning Bridge company, for erecting a bridge over the Allegheny river at the borough of Kittanning, in the county of Armstrong, the sum of fifty dollars for each and every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, at the borough of Kittanning and county of Armstrong ; Witness our hands, this day of in the year of our Lord one thousand eight hundred and thirty- ;" and shall thereupon give notice in two of the public newspapers printed in Armstrong county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until one thousand shares shall be subscribed, and if one thousand shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares

shall be subscribed, of which adjournment public notice shall be given in some one or more of the newspapers before mentioned: *Provided always*, That every person, on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed. Proviso.

SECTION 35. As soon as one hundred shares shall have been subscribed, the said commissioners, or any ten of them as aforesaid named, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of The President and Managers of the Kittanning Bridge company, for erecting a bridge over the Allegheny river, at Market street, in the borough of Kittanning, in the county of Armstrong, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding to them and to their successors and assigns, in fee simple or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or a body politic may lawfully do. Letters patent.

SECTION 36. Any ten of the persons named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed at Kittanning, of a time and place to be appointed, not less than twenty days from the time of issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, four managers, one treasurer, one clerk, and such other officers as they may think necessary. Name, style and title.

- to conduct the business of the company, during one year and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.
- Proviso.**
- 2d. Proviso.**
- Annual election.** SECTION 37. A public meeting of the said stockholders shall be held on the first Monday of August, next following the first election, had as aforesaid, and on the first Monday of June in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.
- Certificates of stock.** SECTION 38. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, ten dollars on each share, which certificates shall be transferable either by the owner in person or by his attorney, duly authorized in the presence of the president or of the treasurer for the time being, subject however to the payments due or that may grow due thereon, and the persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.
- Transferable.**
- Meetings.** SECTION 39. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting three members shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants and workmen as they shall deem necessary to the erection of said bridge,
- Quorum.**
- Minutes.**
- Powers.**

and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws of the company shall be committed to him.

SECTION 40. If any stockholder, after thirty days notice in a public newspaper printed in Kittanning, and one in Harrisburg, of the time and places appointed for the payment of any proportion, dividend or instalment of the said capital stock still due on each share, shall neglect to pay the same, for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

Penalty for neglecting to pay instalments.

Forfeiture.

SECTION 41. Before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Armstrong county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary, for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same,

Mode of getting lands necessary for the bridge.

and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid, and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement, having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the costs of the appraisement, the said corporation shall be entitled to have and to hold to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Just acc'ts
to be kept.

SECTION 42. The president and managers of said company, shall keep fair and just accounts of all monies received by them from the commissioners aforesaid and from the subscribers, to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited as aforesaid, of all voluntary contributions and of all monies expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

Number of
shares may
be increas-
ed.

SECTION 43. When the Kittanning bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns during and unto the end of forty years, to commence from the time when said bridge shall be completed, and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive

tolls as follows, viz: for every foot passenger four cents; Tolls.
 for every carriage of whatever description, used for the
 purpose of trade or agriculture, having four wheels and
 drawn by six horses, seventy-five cents; for such carriage
 having four wheels and drawn by five horses, sixty-two and
 one half cents; for every such carriage having four wheels
 and drawn by four horses, fifty cents; for every such car-
 riage having four wheels and drawn by three horses, forty-
 four cents; for every such carriage having four wheels and
 drawn by two horses, forty cents; for every such carriage
 having four wheels and drawn by one horse, thirty-one cents;
 for every carriage of whatever description, used for the pur-
 pose of personal accommodation or pleasure, having four
 wheels and drawn by four horses, one dollar and twenty-five
 cents; for every such carriage having four wheels and drawn
 by two horses, seventy-five cents; for every such carriage
 having four wheels and drawn by one horse, thirty-seven and
 one half cents; for every carriage of whatever description
 used for the purpose of trade or agriculture, having two
 wheels and drawn by four horses, fifty cents; for every such
 carriage having two wheels and drawn by three horses,
 thirty-seven and one half cents; for every such carriage
 having two wheels and drawn by two horses, thirty cents;
 for every such carriage having two wheels and drawn by one
 horse, twenty cents; for every chair or other two wheel-
 ed carriage of pleasure, for every horse used therein twenty-
 five cents; for every sleigh or sled drawn by four horses,
 forty cents; for every sleigh or sled drawn by three horses,
 thirty-five cents; for every sleigh or sled drawn by two
 horses, twenty-five cents; for every sleigh or sled drawn by
 one horse, fifteen cents; for every horse, mare or gelding,
 with or without rider, six cents; for every carriage drawn
 by oxen, or partly by oxen and partly by horses, to be rated
 in proportion of two oxen for one horse, and in all cases a
 mule shall be rated in the same proportion as a horse; for
 every head of horned or muley cattle, four cents; for every
 head of sheep or swine, two cents: *Provided*, That any ^{Proviso.}
 person or persons attending funerals, going to or returning
 from divine worship, elections or military trainings, and stu-
 dents and children attending schools or seminaries of learn-
 ing, shall at all times be exempted from the payment of any
 tolls: *Provided*, That nothing in this act shall be so con-^{2d Proviso.}
 strued as to prevent the said company from contracting with
 any person or persons desirous of using said bridge for an
 annual sum, in place of the toll hereinbefore mentioned:
And provided also, That when the toll shall exceed fifteen ^{3d Proviso.}

Time for
redeeming
the bridge.

per cent. annual nett profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found adequate to the redemption of said bridge so as to declare it free, (providing at the same time for its repairs,) then the said company shall be obliged to take such sum of money therefor, as shall be allowed on a fair appraisement by disinterested persons, to be chosen in such manner as directed by law; but if the said bridge shall not be redeemed and paid for as a free bridge at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner as may be directed by the legislature.

Penalty for
demanding
illegal toll.

SECTION 44. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half whereof to be paid to the overseers of the poor of the borough of Kittanning, and the other half to the person who may sue for the same: *Provided always*, That no suit shall be brought in respect of this unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice in any case brought before him shall be liable to reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso.

2d Proviso.

Dividends.

SECTION 45. The said president, managers and company, shall keep a just account of all monies received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing or the rebuilding of the said bridge as time and accident may render necessary, and shall, on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where

the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter, or as soon as the same shall be demanded.

SECTION 46. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president or managers, to enter in and upon all the lands, tenements and enclosures, for the examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same, and in case of the refusal to pay the owner of said material therefor, suit may be sustained and recovery had in like manner as other debts are now recoverable by law. Authority to enter upon lands for materials. Compensat'n

SECTION 47. It may be lawful for the commissioners of the county of Armstrong, to subscribe for the use of the county, any amount of stock to said company not exceeding five thousand dollars, and to levy and collect a tax for that purpose: *Provided*, That they shall not in any one year assess more than one mill to the dollar, on the valuation had for county rates and levies. Commiss'rs of Armstrong co'y to subscribe for stock to amt of \$5000.

SECTION 48. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable, and he, she or they so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no such suit shall be brought unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law. Penalty for injuring property of the Comp. Proviso

SECTION 49. The said company shall not have power to issue any note or notes in the nature of bank notes, or to make discounts, or receive deposits after the manner of any Banking prohibited

bank or banks, or to do or conduct any other business in the nature of banking business, and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void.

Time for
commencing
& comple-
ting the
work &c.

SECTION 50. If the president, managers and company for erecting the bridge aforesaid over the Allegheny river shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passage thereof complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.

Rate of tolls
may be
altered.

SECTION 51. The legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary for the well being of the company or the community at large.

Bridge not
to obstruct
the naviga-
tion.

SECTION 52. The said company shall raise such bridge a sufficient height above the ordinary freshets in the Allegheny river as not to obstruct the navigation.

Preamble
relative to
the Water-
ford & New
Haven turn-
pike Comp.

WHEREAS the stockholders of the Anderson's Ferry, Waterford & New Haven Turnpike Road company and other citizens of the county of Lancaster, have represented to the legislature that the aforesaid road has for want of repairs thereon been thrown open according to law, and as they have prayed that the same may be declared a public highway and be kept in repair in like manner as other public roads in this state are now kept ; Therefore,

Declared a
public high-
way.

SECTION 53. That the Anderson's Ferry, Waterford and New Haven Turnpike road, in the county of Lancaster be, and the same is hereby declared to be a public highway, and that the same shall, from and after the passage of this act, be kept in repair and clear of all impediments to easy and convenient passing and traveling, at the expense of the respective townships through which it passes, in like manner as other public roads are now kept in repair as the law directs : *Provided*, That in the event of a bridge being required over any creek or rivulet on said road, which will require more expense than it would be reasonable for one or two adjoining townships to bear, the same proceeding shall be thereupon had as is provided by the general laws of this commonwealth regulating roads, highways and bridges.

Proviso.

Bustleton &
Smithfield
turnpike
road.

SECTION 54. That so much of the act, passed the fifth day of March eighteen hundred and four, to enable the Governor to incorporate the president, managers and company of the Bustleton and Smithfield Turnpike road as

requires the said company to continue the construction of said road from Smithfield to the Buck tavern, be and the same is hereby repealed, and that the said road terminate at the point to which said company have constructed said road, at or near the said town of Smithfield.

SECTION 55. That Samuel Haggerty, junior, John Campbell, William Wyley, Samuel Shoaff, William Irvin, John P. Hoyt and Thomas Brown, of Clearfield county, James Clark, Samuel Wallace, Samuel Coldwell and John H. McCahen, of Huntingdon county, be and are hereby appointed commissioners to do and perform the several things herein-after mentioned, that is to say, they shall on or before the first day of June next procure a book & enter in it as follows: "We whose names are hereunto subscribed do promise to pay unto the president, managers & company of the Huntingdon & Clearfield Turnpike road the sum of twenty dollars for every share of said stock set opposite to our respective names, in such manner & proportions, & at such times as shall be determined on by the president & managers of the said company, in pursuance of an act of the general assembly of this commonwealth authorizing the Governor to incorporate the president, managers & company of the Huntingdon & Clearfield Turnpike road; as witness our hands the day of , in the year of our Lord one thousand eight hundred & ;" and shall there-upon give notice in one or more of the newspapers printed in the counties of Huntingdon & Clearfield, for one month, of the time & place when & where the said book shall be opened to receive subscriptions for the stock of the said company, at which time & place some one of the said commissioners shall attend & permit and suffer all persons of lawful age who shall offer to subscribe in the said book in their own name, or in the name of any other person who shall duly authorize the same, for any number of shares of the said stock, & the said book shall be kept open respectively for the purpose aforesaid, for at least six hours in every juridical day for the space of three days, & until the said book so opened shall have two hundred shares therein subscribed, and if at the expiration of the said three days the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners, respectively, may adjourn from time to time & transfer the book from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give notice as the occasion may require.

Huntingdon and Clearfield Turnpike Road company. Commiss'rs to procure books.

Form of subscription.

Who may subscribe.

Number of shares.

SECTION 56. Whenever ten or more persons shall have

Letters
patent.

subscribed fifty shares or more of the said stock, the commissioners shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name,

Name, style
and title.

style and title of the President, Managers and Company of the Huntingdon and Clearfield Turnpike road, & by the

Privileges

said name the said subscribers shall have perpetual succession, and all the privileges & franchises incident to a corporation, & shall be capable of taking & holding their said capital stock & the increase & profits thereof, & of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent & meaning of this act, & of purchasing & taking & holding, to them & their successors and assigns, & of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments & estates, real & personal, as shall be necessary to them in the prosecution of their works, and of suing & being sued, and doing all & every other matter or thing which a corporation or body politic may lawfully do.

Organizat'n.

SECTION 57. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time & place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, five managers, one treasurer, & such other officers as they shall think necessary to conduct the business of the said company for one year & until such other officers shall be chosen, and the said managers so chosen & their successors, shall and may make such by-laws, rules & regulations, not inconsistent with the constitution & laws of this state & of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authority & privileges for carrying on & completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, & be entitled to take tolls as soon as five miles of said road shall

Powers pri-
vileges and
penalties.

be completed, in proportion to the distance, as are given & granted to the president & managers & company of the Phillipsburg & Susquehanna Turnpike road; and the said Huntingdon and Clearfield road shall commence at the town of Waterstreet, in the county of Huntingdon, thence to intersect the Northern or Erie turnpike, at or near the mouth of Anderson's creek, in Clearfield county: *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, & shall not within ten years afterwards complete the said road according to the true intent & meaning of this act, then & in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all & singular the rights, privileges, liberties & franchises by this act granted to the said company.

Time for
commencing
and comple-
ting the
work.

SECTION 58. That for the purpose of making a turnpike road from a point on the Susquehanna & Waterford turnpike, between the borough of Franklin and Big Sugar creek to Waterford, in Erie county, Andrew Bowman, Robert Lamberton, Robert McCalmont, Andrew Webber, Robert Bradley, David S. Cook, Charles Crain, James Hamilton, Jr., Edward Fleming, James Irvin, D. D. Goodwin, James Cooper, John Davidson, Josiah Longwell, and John Lamberton, of Venango county, Jacob Guy, Hugh Brawley, Thomas Dalamater, Noah Town, Joseph Patton, William Robison, Robert Townley, Joseph Hutchison, and Archibald Stewart, of Crawford county, B. B. Vincent, James Boyd & William Miles, of Erie county, be, and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say; they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president & managers of the Franklin & Waterford Turnpike Road company the sum of twenty-five dollars for every share by us subscribed, in such manner & proportions, and at such times & places as shall be determined on by the said president & managers, in pursuance of an act authorizing the Governor to incorporate the Franklin & Waterford Turnpike Road company; Witness our hands, the day of _____, Anno Domini one thousand eight hundred and _____," and shall give at least thirty days notice in at least one newspaper published in the county of Venango, of the time & places when & where the said books shall be open to receive subscriptions of stock of the said company, at which time & place some one or more of the said commissioners shall attend, & receive subscriptions from all persons of lawful age who shall offer to subscribe in said

Franklin and
Waterford
turnpike Co.

Commiss'rs
to procure
books.

Form of sub-
scription.

Who may
subscribe.

book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of six days, or until the books shall have subscribed therein four hundred shares, & the said commissioners may adjourn from time to time, & transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges & expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

No. of shares **Proviso.** **Letters patent.** **Name, style and title.** **Privileges & franchises**

SECTION 59. When one hundred or more shares have been subscribed, & the said commissioners, or a majority of them, shall have certified, under their hands & seals, to the Governor, the names of the subscribers, & the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand & the seal of the state, to create & erect the subscribers, and also all those who may afterwards subscribe, into one body politic & corporate, in deed & in law, by the name, style & title of The Franklin & Waterford Turnpike Road company, & by the said name the subscribers shall have perpetual succession, & the privileges & franchises incident to a corporation, and shall be capable of taking & holding their said capital stock, & the increase & profits thereof, & enlarging the same from time to time by new subscriptions, in such manner & form as they shall think proper, & of purchasing, taking & holding, to them & their successors and assigns, & of selling, transferring & conveying, in fees simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, & of suing and being sued, & of doing all and every other matter & thing which a corporation or body politic may lawfully do.

Organization.

SECTION 60. That the stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Venango, of a time and place to be by them appointed, not less than twenty days from the time of the first notice at which time

and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, & shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, four managers, one treasurer, & such other officers as may be necessary to conduct the business of said company for one year, & thence until the next annual election, & until such other officers shall be chosen & organized, agreeably to the provisions of this act; & in case of the death, removal or resignation of any president or manager, the board of managers may & shall choose another to supply the vacancy until the next said annual election of said company; they may make & have one common seal, Seal. & the same may break, alter & renew at their pleasure, & may make such by-laws, rules, orders & regulations, not inconsistent with the constitution & laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held. *Proviso.*

SECTION 61. That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him & perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, & until a successor shall be duly elected and give the security required. *Treasurer.*

SECTION 62. That the stockholders shall meet on the first Monday in March in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected. *Annual election.*

SECTION 63. The said president & managers shall make out certificates of stock, signed by the president & countersigned by the treasurer, & sealed with their corporate seal, & deliver over such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney, on the books of said company, only subject to the sum due or to become due on the shares so transferred. *Certificates of stock.* *Of transfer.*

Authority to
enter upon
lands to
examine for
materials
&c.

SECTION 64. It shall and may be lawful for the said president & managers, their superintendents, surveyors, engineers, artists & chain bearers, to enter in & upon all & every the lands, tenements & enclosures, in, through & over which the said intended turnpike road may be thought proper to pass; and for that purpose to examine ground & the quarries of stone & gravel, & other materials that may be necessary in making & constructing the said road, & to survey, lay down, ascertain, mark & fix such route for said road as in the best of their judgment & skill will combine shortness of distance with the most eligible ground within the point aforesaid.

Minutes.

SECTION 65. The said president & managers shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, & shall have full power & authority to appoint, agree or contract with such engineers, superintendents, artists, laborers & other persons, as they may think necessary, to make & construct said road & collect the tolls hereinafter authorized, & to fix their compensation, to ascertain the times, manner & proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, & attested by their secretary, & to do & transact all other acts, matters & things as by the by-laws, orders & regulations of the said company shall be entrusted to them.

Quorum.

Penalty for
neglecting
to pay in-
stalments.

SECTION 66. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in the county of Venango, of the time & place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, & if the same & additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, & be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president & managers may at their election, cause suit to be brought in the same manner as debt of like amount are now recoverable for the recovery of the same, together with the penalty aforesaid.

Forfeiture.

SECTION 67. It may be lawful for the said president &

managers, by & with their superintendents, engineers, ar- Authority to
tists, workmen & laborers, their tools & instruments, carts, enter upon
wagons & other carriages, & beasts of draught or burden, lands.
to enter in & upon the lands contiguous & near to which
the said road shall be made or constructed, first giving notice
of their intention to the occupiers thereof, & doing as little Damages to
damage thereto as possible, & making amends for damages be paid.
upon reasonable & equitable agreement by the parties, or
if they cannot agree thereupon, a just and equitable assess-
ment to be made upon oath or affirmation, by three disinte-
rested freeholders, or any two of them, to be mutually chosen,
or if either party upon due notice, shall neglect or refuse
to join in the choice, then to be chosen by a justice of the
peace of the proper county, who shall not be interested
therein, & upon the tender of the assessed value, to dig,
take & carry away any timber, stone, sand, earth, or other
materials necessary or suitable for the making said road.

SECTION 68. The said president & managers shall keep Just ac-
fair & just accounts, as well of all monies received by counts to
them as of those laid out & expended in the prosecution be kept.
of said work, & shall at least once in every year submit
their books & accounts to a general meeting of the stock-
holders.

SECTION 69. The said president & managers shall have Bridges.
power to erect good & sufficient bridges over all the streams
of water crossed by said road, & cause a road to be laid
out not exceeding fifty feet in width, & shall cause at
least twenty feet of said width to be made an artificial road,
& in no place in said road shall there be an elevation of
more than five degrees from a horizontal line, and shall for-
ever thereafter maintain & keep the same in good order &
repair.

SECTION 70. That whenever & so often as the said com-
pany shall have finished five miles or more of said road, the Governor to
president thereof may give notice to the Governor, who shall appoint
thereupon forthwith appoint three skilful, judicious & dis- viewers.
interested persons to view & examine the same, & report
on oath or affirmation to him, whether the road is so far
executed in a competent & workmanlike manner, accord-
ing to the true intent & meaning of this act, and if their
report shall be in the affirmative, then the Governor shall by
license, under his hand & the seal of the state, permit and License.
suffer said company to erect & fix such & so many gates
on & across the said road, as will be necessary & suffi-
cient to collect from all persons traveling the same other-
wise than on foot, the same tolls which are hereinafter

Proviso.

authorized & granted : *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Powers privileges and penalties.

SECTION 71. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitation of action, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburg Turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini one thousand eight hundred and fourteen.

Banking prohibited.

SECTION 72. It shall not be lawful for the president and managers of said company, in their corporate capacity, issue bills of credit, or notes in the shape of bank notes.

Certain sections of the act of 25th May 1836 repealed.

SECTION 73. The nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the act of the twenty-fifth of May Anno Domini one thousand eight hundred and thirty-six, entitled "An act authorizing the laying out of certain state roads and for other purposes," be and the same are hereby repealed, and the road which has been located in pursuance of the authority given in the aforesaid sections is hereby declared to be vacated.

Carbondale & Lackawanna turnpike Comp.

WHEREAS, there is supposed to be some irregularity in the manner of opening the books and taking the subscriptions for the stock of the Carbondale & Lackawanna Turnpike Road company, for remedy whereof,

Making valid certain acts of the Commiss'rs.

SECTION 74. The charter of the said company shall not be affected by any irregularity in the manner of opening the book or in taking the stock of said company, but the same shall continue to be valid and as binding upon the parties concerned, as if the commissioners had strictly complied with the provisions of the act of ninth of April, one thousand eight hundred & thirty-three, to which this is a supplement.

Wilsonville & Indian Orchard Turnpike Co.

SECTION 75. That so much of the act of the tenth of April one thousand eight hundred and thirty-five, as authorizes the Governor to incorporate a company for making a turnpike road from the Milford & Owego turnpike, at or near Wilsonville, in Pike county, to the Bethany and Dingmans Choice Turnpike road near Charles Kimbell's

mills, in Wayne county, be and the same hereby is revived & re-enacted, and the said company is hereby allowed the further period of two years from the passage of this act, for commencing & completing the said turnpike road, any thing in the said act contained to the contrary notwithstanding.

SECTION 76. James S. Bassett and Joseph Atkinson, are New commissioners hereby appointed commissioners to carry the said act into effect in place of Benjamin Kimble and John Roberts de-appointed. ceased.

SECTION 77. That Bevan Pearson, John Findley, John Mercer and Ferker, John Hoge, Joseph Smith, Samuel Holstein, Samuel Great Bend Bowman, J. P. Garrett, William S. Rankin, John Wright, Turnpike Comp. Alexander M'Cullough, William W. Pearson, George Reznor, Samuel Clark of Clarksville, Robert Fruit, William Stevenson, James Breden, are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say, they shall on or before the first Monday of June next procure one or more books & enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Mercer & Great Bend Turnpike Road, the sum of twenty dollars for every share of stock set opposite our respective names in such manner & proportions & at such times as shall be determined by the president & managers of said company, in pursuance of an act of the general assembly of this commonwealth by which said company is incorporated for the purpose of making an artificial road from the borough of Mercer to the Great Bend of Shenango; Witness our hands the day of Anno Domini one thousand eight hundred & thirty-; and shall thereupon give notice in one or more of the public newspapers printed in the borough of Mercer, for one calendar month at least of the time & places in said county when & where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times & places someone or more of the said commissioners shall attend, & permit all persons of the lawful age who shall offer to subscribe in the said books, in their own names or in the name or names of any other person or persons who shall duly authorize the same for any number of shares of the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the books so opened shall have at least sixty shares therein subscribed; and if at the expiration of the said six days the books aforesaid, or any one of them, shall not have the number of shares aforesaid therein subscribed, the said commissioners, respectively, having

Commiss'rs.
to procure
books.

Form of
subscription.

Who may
subscribe.

Number of
shares.

charge of said books, may adjourn from time to time, & transfer the said books from place to place until the number of shares shall be subscribed, of which adjournments & transfers the commissioners aforesaid may, if they think proper, give notice, & when the whole number of shares subscribed in all the said books shall amount to three hundred & fifty shares, the same shall be closed : *Provided always*, That every person offering to subscribe, shall before subscribing in said books, in his own name or the name of any other person, pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions & other incidental charges & the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Proviso.

Letter
patent

SECTION 78. When twenty or more persons shall have subscribed fifty or more shares of the said stock, the commissioners or any twelve or more of them, shall certify under their hands and seals, the names of the subscribers & the number of shares subscribed by each, to the Governor, and thereupon it shall & may be lawful for the Governor, by letters patent, under his hand & the seal of the state, to create & erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to & for the number of shares aforesaid, into a body politic & corporate, by the name, style and title of "The president & managers & company of the Mercer and Great Bend Turnpike Road," and by the said name the subscribers

Name style
and title.

Privileges.

shall have perpetual succession and all the privileges & franchises incident to a corporation, and shall be capable of taking and holding their capital stock, & the increase and profits thereof, & of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act and of purchasing, taking and holding to them, their successors and assigns, & of selling, transferring, & conveying, in fee simple or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, or for the collection of their tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do : *Provided always*, That if the said company shall at any time issue any note or notes in the nature of

Proviso.

bank notes, or shall transact any business in the nature or Organization manner of banking then in either of those cases, their chartered privileges shall cease and revert to this commonwealth.

SECTION 79. The commissioners as soon as may be after said letters patent, shall be sealed and obtained, shall give notice in one or more newspapers printed in the borough of Mercer, of a time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer, & one secretary to conduct the business of said company for one year, & from thence until the next annual election, and until their successors shall be chosen and organized agreeably to the provisions of this act, and in case of the death, removal out of the county of Mercer, or resignation of any president or manager, treasurer or secretary of the board of managers, may & shall choose another stockholder to supply the vacancy until the next annual election of said company; and the said president and managers so to be chosen, and their successors may and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary Powers, privileges and penalties. for the well ordering of the affairs of the said company, and generally shall have like powers, authorities and privileges, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, and be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president, managers and company of the Butler and Mercer Turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work in three years after the passage of this act, or shall not within five years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties & franchises by this act granted to said company: *And provided further*, 2d *Proviso* That after said company is duly incorporated and organized according to law, the president & managers shall proceed to locate said road, and a majority shall have power to fix the western termination thereof, at any point on the Shenango river at or near the Great Bend in the town of Shenango, or within one mile below the same.

Clearfield & Sinnamahoning Turnpike Co. Commiss'rs to procure books.

SECTION 80. That W. J. B. Andrews, Smith Mead, Erasmus Morey, Ebenezer Winslow, James Mix, John Shaw, John R. Bloom, A. B. Reed, Christopher Kratzer, William L. Moore, Thomas Hemphill, Jacob Coleman, be, and they are hereby appointed commissioners to do & perform the duties hereinafter mentioned, that is to say, they shall procure a book and enter therein as follows: "We whose names are hereunto

Form of subscription,

subscribed, do promise to pay to the president and managers of the Clearfield & Sinnamahoning Turnpike Road company, the sum of twenty-five dollars for every share of stock by us subscribed, in such manner & proportions, and at such times and places as shall be determined by the president & managers; Witness our hands the day of , Anno Domini one thousand eight hundred & thirty- ;" and shall at least give thirty days notice in all the newspapers published in the county of Clearfield, of the time and place when & where the said books shall be opened to receive subscriptions of stock of the said company, at which time & place some one or more of the said commissioners shall attend, & receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of six days, or until the book shall have subscribed therein four hundred or more shares, and the said commissioners may adjourn from time to time, & transfer the book from place to place until the whole number of shares aforesaid shall be subscribed, of which adjournment & transfer the said commissioners shall give such notice as the occasion may require.

Who may subscribe.

Number of shares.

Letters patent-

SECTION 81. That when twenty or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seals to the Governor the names of the subscribers & the number of shares subscribed by each, it shall and may be lawful for the Governor, by letters patent, under his hand & seal of the state, to create & erect the subscribers, and also all those who may afterwards subscribe, into one body politic & corporate, in deed and in law, by the name, style & title of "The Clearfield & Sinnamahoning Turnpike Road company," and by the said name the said subscribers shall have perpetual succession and the privileges & franchises incident to a corporation, & shall be capable of taking & holding their capital stock, & the increase & profits thereof, & enlarging the same from time to time by new subscriptions, in such manner & form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of

Name, style and title.

Privileges.

purchasing, taking and holding to them and their successors & assigns, and of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments, and estate real & personal, as shall be necessary to them in the prosecution of their work, & of suing and being sued, & of doing all & every other matter & thing which a corporation or body politic may lawfully do.

SECTION 82. That the stockholders, or any two of them ^{Organizati'n} named in the letters patent, shall as soon as conveniently may be after the issuing of the same, give notice in all the newspapers published in the county of Clearfield, of the time & place to be by them appointed, not less than twenty days from the time of the notice, at which time & place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, & shall choose by a majority of the said subscribers, by ballot, either in person or by proxy duly authorized, one president, six managers, one treasurer, & such other officers as may be necessary to conduct the business of said company for one year, & from thence until the next annual election, & until such other officers shall be chosen & organized agreeably to the provisions of this act, and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the said next annual election of said company, they may make & have one common seal, & the same may break, alter or renew at their pleasure, & may make such by-laws, rules, orders & regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each sub-^{Proviso.} scriber shall be entitled to one vote for every share of stock by him or her held, not exceeding fifty, but no share or number of shares above that number shall entitle the holder to more than two votes at any election or meeting of said company: *And provided also*, That no stockholder, whether ^{2d. Proviso.} original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid & discharged.

SECTION 83. That if any treasurer elected by virtue of this act shall die, resign or refuse to act, or neglect to give ^{Of the trea-} such security for the faithful discharge of the duties of his ^{surer.} office, as the board of managers may direct & require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it

shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, & until a successor shall be duly elected & give the security required.

Annual election. SECTION 84. That the stockholders shall meet on the first Monday in July in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers aforesaid as for the year ensuing the terms of service of those previously elected.

Certificates of stock. SECTION 85. That the president & managers shall make out certificates of stock, signed by the president & countersigned by the treasurer, and sealed with their common corporate seal, & deliver one such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney in the books of the said company, only subject to the sum due or to become due on the share so transferred.

Authority to enter upon lands to examine the ground. SECTION 86. That it shall & may be lawful for the president & managers, their superintendents, surveyors, engineers, artists & chain bearers, to enter in & upon all & every the lands, tenements & enclosures, in, through, & over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, & the quarries of stone & gravel, & other materials that may be necessary in making & constructing the said road from the town of Clearfield, to intersect the Milesburg & Smithport Turnpike road at some point east of the Sinnamahoning creek, & to survey, lay down, ascertain, mark & fix such route for said road as in the best of their judgment & skill will combine shortness of distance with the most eligible ground within the points aforesaid; and likewise with authority to construct a bridge, if they should deem it expedient, over the west branch of the Susquehanna river, with like powers, authority & privileges for erecting said bridge, & be subject to all the duties, qualifications, restrictions, fines, penalties & forfeitures, & be entitled to take like tolls for crossing of said bridge as are given or granted in the act incorporating the Clearfield Bridge company, passed the seventeenth day of January, one thousand eight hundred & thirty-one.

Quorum. SECTION 87. That the said president & managers, five of whom shall for all purposes be a quorum, shall keep minutes

of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power & authority Powers. to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make & construct said road, & collect the tolls hereinafter authorized, & to fix their compensation, to ascertain the times, manner & proportions in which the stockholders shall pay the amount of their respective shares in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, & attested by their secretary, & to do & transact all other acts, matters and things as by the by-laws, orders & regulations of the said company shall be entrusted to them.

SECTION 88. That if any stockholder, whether original subscriber or assignee, after thirty days notice in two news- ^{Penalty for neglecting} papers printed in the county of Clearfield, of the time & to pay instal- place appointed for the payment of any instalment or pro- ^{ments.} portion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, & if the same & additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said ^{Forfeiture.} company, & may be sold by them for such prices as can be obtained therefor, or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president & managers may at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable for the recovery of the same, together with the penalty aforesaid.

SECTION 89. That it may be lawful for the said president ^{Authority to} & managers, by & with their superintendents, engi- ^{enter upon} neers, artists, workmen & laborers, their tools & instru- ^{lands for} ments, carts, wagons & other carriages & beasts of draught ^{materials.} or burden, to enter in & upon the lands contiguous & near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, & making amends for damages upon a reasonable & equitable agreement by the ^{Damages to} parties, or if they cannot agree, then upon a just & equitable ^{be paid and} assessment, to be made upon oath or affirmation by three ^{how to be} disinterested freeholders, or any two of them, to be mutually ^{assessed.}

chosen ; or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Clearfield, who shall not be interested therein, & upon the tender of the assessed value, to dig, take & carry away any timber, stone, sand or other materials necessary or suitable for making said road.

Just accounts to be kept. SECTION 90. That the said president & managers shall keep fair and just accounts, as well of all monies received by them as of those paid, laid out & expended in the prosecution of said work, and shall at least once in every year submit their books & accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road, according to the true intent & meaning of this act, it shall & may be lawful for the president and managers at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, & to demand & receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act in the case of the original subscriptions.

Bridges. SECTION 91. That the said president & managers shall have power to erect good & sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out, not exceeding thirty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road, of wood, stone, gravel or other proper & convenient materials, such as the nature of the ground may require & will afford to be constructed, in such manner as will admit an even surface, and in such places where the road shall not be made of stone, to rise towards the centre by a gradual arch to the height of eighteen inches, & in no place in said road shall there be an elevation of more than five degrees from a horizontal line & shall forever thereafter maintain and keep the same in good order & repair : *Provided*, That it shall & may be lawful for the president & managers, whenever they shall deem it necessary, to cut, deaden & prostrate the timber on each or either side of the said road, within a distance not exceeding fifty feet from the centre of said road.

Governor to appoint viewers. SECTION 92. That whenever and as often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and

report on oath or affirmation to him whether the road is so far executed in a competent & workmanlike manner, according to the true intent & meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by license under his hand and seal of the state, permit & suffer said company to erect & fix such & so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect, from all persons traveling the same otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, All persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

SECTION 93. That for the collecting and receiving tolls and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulating of the traveling on the said road and the limitations of actions, and for the recovery and application of fines & penalties for offences against this act, the said company shall have all the powers, authorities, rights & privileges, & be subject to all the penalties which are given & granted to the Bellefonte & Philipsburg Turnpike Road company.

SECTION 94. That George Rose, Junr., Oliver Paxon, Willow Thomas Lloyd, John Lloyd, Nathaniel B. Boileau, Joseph B. Yerkes, Robert Radcliff, Jacob Fretz, George H. Pawling, Asa Comly, Gove Mitchell & Isaac Warner, of Montgomery county, and Andrew Yerkes, Thomas Boans, Hugh Mearns, James Horner, William Hart, Robert Darragh, Thomas Dixey, Daniel Longstreth, Isaac Parry, Isaac Janet, Thomas Stackhouse, Edward Yerkes, John Davis, William M. White, John Jamison, Jacob H. Rogers, William D. Ruckman, Joel Worthington & Elijah Updyke, of Bucks county, be, and they are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say; they shall on or before the first day of November next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Willow Grove & Hart's Villa Turnpike Road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner & proportions, & at such times as shall be determined by the president & managers of said company, in pursuance of an act of the general assembly of this commonwealth, incorporating a company to

License.

Proviso.

In certain matters to have like powers &c. as the Bellefonte & Philipsburg Turnpike Co.

Commissioners to procure books.

Form of subscription.

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

construct a turnpike road from the village of the Willow Grove, in Montgomery county, to Hart's Villa, in Bucks county; Witness our hands the day of , in the year of our Lord one thousand eight hundred & thirty- ;” and thereupon shall give notice in two papers printed in the counties of Montgomery & Bucks, for twenty-one days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and places one of the said commissioners shall attend, & permit & suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of any other person who shall duly authorize the same, for any number of shares of said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said three days the books aforesaid shall not have the said number of four hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, & transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment & transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to four hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges & expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized & the officers chosen as hereinafter mentioned.

SECTION 95. When twenty persons or more shall have subscribed two hundred shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the Governor of this commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic & corporate, in deed and in law, by the name, style

and title of "The President & Managers of the Willow Grove & Hart's Villa Turnpike Road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, & the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors & assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments, & estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 96. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed & obtained, shall give public notice in two or more public papers printed in the counties of Montgomery and Bucks, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, & shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November then next ensuing, and until such officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering the affairs of said company: *Provided* always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 97. The said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner & form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, order

or repeal by a majority of votes, in manner aforesaid, all such by-laws, rules, orders & regulations made as aforesaid, & do and perform any other corporate act.

Certificates
of stock.

SECTION 98. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president & countersigned by the treasurer, & sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due & to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Penalty for
neglecting
to pay instal-
ments.

SECTION 99. If after thirty days notice in two or more of the public newspapers printed in the counties of Montgomery & Bucks, of the time & place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the dividends so called for, pay after the rate of five per cent. per month for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid, in part & on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such price as can be obtained for the same.

Meetings.

Quorum.

Minutes.

Powers.

SECTION 100. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power & authority to appoint all such surveyors, engineers, superintendents, and other artists & officers as they shall deem necessary to carry on their intended works, and fix their salaries & wages, to ascertain the times when, and the manner & proportion in which the stockholders shall pay the monies due on their respective shares in order to carry on

the work, to draw orders on the treasurer for monies necessary to pay the salaries or wages of persons by them employed, and for labor done & materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters & things as by this act, and the by-laws, rules, orders & regulations of the company shall be committed to them.

SECTION 101. The said road shall be located & constructed Location. from the north end of the Cheltenham & Willow Grove Turnpike road, in the village of the Willow Grove, in the county of Montgomery, in and upon the bed of the old York road, through Hatboro' to Hart's Villa, in Bucks county.

SECTION 102. The president and managers & company Dimensions shall cause a road to be laid out of not less than fifty feet, in and mode of such a manner as that the present buildings on said road be constructing not injured, and at least twenty feet thereof to be made an ar-the road. tificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of, an even surface, & so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order, and the said president & managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 103. So soon as the said president, managers and Governor to company, shall have perfected the said road from Willow appoint Grove, the distance of two miles, and also when they shall viewers. have completed the remainder of the distance to Hart's Villa, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the Governor shall, by license, under his hand and the lesser seal License. of the commonwealth, permit and suffer the said president, managers & company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary

Proviso.

and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts & carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls, in going to and in returning therefrom.

Mode of estimating damages.

SECTION 104. Whenever it shall be necessary for the president, managers and company of the said turnpike road company, to enter in & upon and occupy for the purpose of making said turnpike road, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry & occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said turnpike road company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs and charges of the said corporation, to appoint six disinterested men of said county to view, examine & survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid by reason of said turnpike road, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by the said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said turnpike road: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases,

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and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company shall pay such owner the sums in such report or judgment specified in full, compensation for the injury sustained as aforesaid, and the said company and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided* 2d. *Proviso.* *further,* That upon payment or tender of payment by the said company, of the sum specified in the report of the said viewers or appraisers to the owner of said land, the said president and managers, their agents or contractors, for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceedings as hereinbefore prescribed.

SECTION 105. In addition to the power hereinbefore granted, the said company shall generally have like powers, authority and privilege for carrying on & completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take like tolls and profits in proportion to the distance, as are given or granted to the president and managers of the Doylestown & Willow Grove Turnpike Road company, in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sections of the act entitled "An act to incorporate the president and managers of the Doylestown and Willow Grove Turnpike Road company," passed the fourteenth day of February, in the year of our Lord one thousand eight hundred & thirty-eight. Powers and penalties.

SECTION 106. That William Crawford, Esq., of Venango county, James McMahan of Venango township, Butler county, John Jack, Hugh Conway, William T. Jameson, Robert Campbell, Robert Hays, Charles Hilliard, of Butler county, and Jacob Meichling, John Pollock, John Welsh, George W. Smith, George Miller, George W. Reed, & John N. Purviance, of the borough of Butler, be, and they are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say; they shall on or before the first day of November next procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Butler and Emlinton Turnpike Road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, by which said road is incorporated, for the purpose of constructing Butler and Emlinton turnpike Co.

Commissioners to procure books.

Form of subscription.

a turnpike road from the borough of Butler to Emlinton in Venango county ; Witness our hands the day of _____ in the year of our Lord one thousand eight hundred & thirty- _____ ;” and thereupon shall give notice in one or more papers printed in the county of Butler & Venango, for twenty-one days at least, of the time & places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other person who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until the said books shall have four hundred shares therein subscribed ; and if at the expiration of the said three days, the books aforesaid shall not have the said number of four hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time and & transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require ; and when the whole number of shares subscribed shall amount to four hundred the same shall be closed : *Provided always*, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges & expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

SECTION 107. When twenty persons or more shall have subscribed two hundred shares of the said stock, said commissioners, respectively, may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands & seals the names of the subscribers and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of state, to create & erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name,

style & title of "The President and Managers of the Butler Name, style and Emlinton Turnpike Road company;" and by the said and title. name the said subscribers shall have perpetual succession, and all privileges & franchises incident to a corporation, Privileges. and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking & holding to them, their successors and assigns, & of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments & estate, real and personal, as shall be necessary to them in the prosecution of their works, & of suing and being sued, and of doing all and every other matter & thing which a corporation or body politic may lawfully do.

SECTION 108. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one or more public papers printed in the counties of Butler & Venango, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November then next ensuing, and until such officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering the affairs of said company : *Organizati'n* *Proviso.*
Provided always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION. 109. The said company shall meet on the first Annual election Monday of November in every year, at such place as shall tion. be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such

laws, rules, orders and regulations, made as aforesaid, & do & perform any other corporate act.

Certificates of stock. **Seal.** **Of transfer.** SECTION 110. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Penalty for neglecting to pay instalments. **Forfeiture.** SECTION 111. If after thirty days notice in one or more of the public newspapers printed in the counties of Butler and Venango, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividends so called for, pay after the rate of five per cent. per month for delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part & on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such price as can be obtained for the same.

Meetings. **Quorum.** **Minutes.** **Powers.** SECTION 112. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents & other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when and the manner & proportion in which the stockholders shall

pay the monies due on their respective shares in order to carry on the work, to draw orders on the treasurer for monies necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters & things as by this act and the by-laws, rules, orders & regulations of the company shall be committed to them.

SECTION 113. Thesaid road shall be located & construct- Location.
ed from Emlinton in Venango county, by the nearest and best route, to intersect the Roseburg & Mercer Turnpike road, at or near James M'Mahan's in Venango township, Butler county, thence by the nearest and best route through North Washington, in Parker township, to the borough of Eutler in Butler county.

SECTION 114. The president and managers and company Dimension
shall cause a road to be laid out of not less than fifty feet, and mode of
in such a manner as that the present buildings, on said road constructing
be not injured, and at least twenty feet thereof to be made road, &c.
an artificial road, bedded with wood, stone, gravel or any other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel, or stone pounded or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order, and the said president and managers & company, shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 115. So soon as the said president, managers & company shall have perfected the said road from the borough Governor to
of Butler the distance of five miles, and also when they shall appoint
have completed the remainder of the distance to Emlinton, viewers.
they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate & appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent & meaning of this act, and if their report shall, in either case, be in the affirmative, then the Governor shall, by license under his hand and the lesser License.

Proviso.

seal of the commonwealth, permit & suffer the said president, managers & company to erect & fix so many gates and turnpikes upon and across the said road as will be necessary & sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts & carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to & in returning therefrom.

Mode of
estimating
damages.

SECTION 116. Whenever it shall be necessary for the president, managers and company of the said Turnpike Road company, to enter in and upon & occupy, for the purpose of making said turnpike road, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable & disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, & who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said turnpike road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs & charges of the said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said turnpike road, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads & highways, to be paid by the said company, and it shall be the duty of the said appraisers in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said turnpike road: *Provided*, That either party may appeal to the court,

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within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment, or tender of payment, by the said company of the sum specified in the report of the said viewers or appraisers to the owner of said land, the said president & managers, their agents or contractors for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceeding as hereinbefore prescribed. 2d proviso.

SECTION 117. In addition to the power hereinbefore granted, the said company shall generally have like powers, authority and privilege for carrying on & completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, and be entitled to like tolls and profits in proportion to the distance, as the are given or granted to the president and managers of the Doylestown & Willow Grove Turnpike Road company, in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth & nineteenth sections of the act entitled "An act to incorporate the President & Managers of the Doylestown & Willow Grove Turnpike Road company," passed the fourteenth day of February, in the year of our Lord one thousand eight hundred & thirty-eight. Have like powers with penalties as the Doylestown and Willow Grove turnpike Co.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 47.

An Act

To promote the culture of Silk.

Premiums.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, whenever any person or persons, either individually or collectively, shall raise any silk within this commonwealth, he, she or they shall be entitled to draw from the State Treasury a premium of twenty cents for each and every pound of cocoons so by him, her or them raised, and fifty cents per pound on each pound of good silk by him, her or them reeled from cocoons so raised; and the person or persons so claiming the premium aforesaid, shall first exhibit the cocoons raised and the silk reeled as aforesaid, to one alderman or justice of the peace within the proper city or county where they shall have been raised, and the said aldermen or justices shall thereupon examine the person or persons claiming the premiums as aforesaid, upon his or their oath or affirmation, and shall require the party so claiming the premium, to swear or affirm that the cocoons were raised in the state of Pennsylvania after the passing of this act, that the premium has not before been claimed by or paid to any other person, and also in relation to such other facts, matters and things as is or may be in their opinion connected with the raising or reeling of the same, and upon the evidence being satisfactory to his mind, he shall thereupon make out a certificate, under his hand and seal of the same, and the respective city and county treasurers, upon the presentation of the said certificate or certificates, are hereby authorized and directed to pay the amount of the same out of any monies belonging to the commonwealth which may then be in their hands; and the State Treasurer, in settling the respective accounts of the several city and county treasurers, shall, and he is hereby authorized and directed to receive the said certificate as equivalent to the amount of money paid out therein, in conformity with the provisions of this act, and the same shall be audited and adjusted in like manner as other payments out of the treasury are now audited and adjusted by law.

SECTION 2. Any false swearing under this act shall be False swear indictable and punishable as perjury in other cases is pun- ing under ished, and any fraudulent procuring of the premium on co- this act pun- coons, or reeled silk, under the provisions of this act, shall ishable, and be deemed a misdemeanor, and on conviction, punishable as how. such by fine and imprisonment at the discretion of the court.

SECTION 3. For the weighing the cocoons, administering Justices fees the oath or affirmation required by this act and making out the certificate, the justice shall be entitled to a fee of twenty-five cents, to be paid by the person applying for the same.

SECTION 4. The provisions of this act shall not continue Act to con- or remain in force for any greater length of time than until tinue in force the first day of January, one thousand eight hundred and until 1843 forty-three.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 48.

An Act

Authorizing the Governor to incorporate a company to make a Turnpike road, from Uniontown, in the county of Fayette, to the Virginia State line, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That James Caldwell, Nath'l. Ewing, Isaac Wood, George Harden, Absalom Morris, Zadok Brownfield, Theophilus Williams, Tazewell P. Martin, William Gans, Daniel Collier, Squire Ayres and Albin Mel- lier, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first Monday of June next, procure one or more books, and shall thereupon give notice in one or more newspapers printed in Uniontown, for one calendar month at least, of the times and places said books shall be opened to receive subscription for the stock of a company to

- construct an artificial road hereinafter specified, at which respective times and places some one or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said books, in their own name or names or in the name or names of any other person or persons who shall duly authorize the same, for any number of shares of said stock, and the subscribers shall bind themselves in the following manner, to wit: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Uniontown and Cheat River Turnpike Road company, the sum of fifty dollars for each and every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the said president and managers, in pursuance of this act by which said company is hereby incorporated, for the purpose of making an artificial road from the borough line of Uniontown, on Morgantown or Cheat street, to Smithfield, thence to Virginia state line at Line Ford on Cheat river or by the way of New Geneva and the mouth of Cheat river, to said state line, at the discretion of the stockholders; Witness our hands and seals the day of A. D. one thousand eight hundred and thirty-eight; and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the said books so opened shall have at least forty shares therein subscribed, and at the expiration of the said six days, if the books aforesaid, or some one of them, shall not have the number of shares aforesaid therein subscribed, the said commissioners, respectively, having charge thereof may adjourn from time to time and transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid may, if they think proper, give public notice, and when the whole number of shares subscribed in all the books shall amount to seven hundred, the same shall be closed.
- Who may subscribe.**
- Form of subscription.**
- Number of shares.**
- Letters patent.**
- SECTION 2.** When ten or more persons shall have subscribed one hundred or more shares of the said stock, the commissioners, or any two or more of them, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by them, to the Governor, and thereupon it shall and may be lawful for him, by letters patent under his hand and seal of the state, to create and erect the subscribers, (and if the said subscription is not full at the time then those also who shall thereafter subscribe to and for the number of shares aforesaid,) into a body politic

and corporate, by the name, style and title of "The President Managers and Company of the Uniontown and Cheat River Turnpike Road Company," and by said name the subscribers shall have perpetual succession, all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription in such manner and form as they shall think proper, (if such enlargement be found necessary to fulfil the intent of this act,) and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, or for the collection of their tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided always*, That if the said company shall at any time issue any note or notes in the nature or manner of bank notes, or shall transact any business in the nature or manner of banking, then and in either of those cases their chartered privileges shall cease and revert to this commonwealth.

Name, style and title.

Privileges:

Proviso.

Organizat'n.

SECTION 3. The commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more papers printed in Uniontown, of a time and place by them to be appointed, not less than thirty days from the publication of the first notice, when and where the said subscribers shall proceed to organize the said corporation, and shall choose, by ballot, by a majority of the votes of the subscribers, (to be delivered in person or by proxy duly authorized,) one president, four managers, one treasurer and one secretary, to conduct the business of said company for one year and from thence till the next annual election, and until their successors shall be chosen and organized, agreeably to the provisions of this act, and in case of the death, removal out of the county of Fayette, or resignation of any president, manager, treasurer or secretary, the board of managers may and shall choose another stockholder to supply the vacancy until the next annual election of said company, and the said president and managers so chosen, and their successors, may and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of said company, and generally shall have like powers, authorities

Powers and penalties. and privileges, and be subject to all the duties, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits in proportion to the distance, as are required of, given and granted to the president, managers and company of the Pittsburg and Greensburg Turnpike road by the several acts of this commonwealth.

Time for commencing and completing the work, &c. SECTION 4. If the said company shall not proceed to carry on said work in five years after the passage of this act, or shall not within eight years complete said road, according to the true intent and meaning of this act, then and in either case it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to said company.

Titusville & Sugar Grove State road. SECTION 5. That Joseph Chase and James Curry of Crawford county, and James Gray of Warren county, be, and they are hereby appointed commissioners to view and locate a State road, from Titusville, in Crawford county to Sugar Grove, in Warren county, by the way of Mullengar, with **Commiss'rs. to locate the road.** power to locate and fix said road, and when they shall have viewed and located said road, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of the county of Crawford, and the said commissioners shall be entitled to receive one dollar and fifty cents per day for every day necessarily employed in said location, to be paid by the treasurers of Warren and Crawford counties, in equal proportions, on the order of the commissioners of the said respective counties.

LEWIS DEWART,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The third day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 49.

An Act

Granting aid to the Pittsburg Hospital for the destitute sick and insane of Western Pennsylvania, and to incorporate the Orphans' Asylum of Lancaster, and to provide for the education of the Deaf and Dumb in this commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Western General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and directed, to pay to the treasurer of the "Western Pennsylvania Hospital Society," the sum of twenty-five thousand dollars, when it shall appear to him by the certificate, under oath of the president of said society, that the like sum of twenty-five thousand dollars shall be subscribed for and paid by the corporation of the city of Pittsburg; and also that the further sum of five thousand dollars shall be subscribed for by the corporation of the borough of Allegheny, but if the borough of Allegheny should refuse to subscribe, it shall not affect the state appropriation. \$25,000 appropriated.

SECTION 2. Any person who shall pay to the treasurer of said society the sum of fifty dollars, shall from thenceforth become a life member of said Hospital society, and shall be entitled to all the privileges of membership therein; and any and every person who shall subscribe and pay ten dollars, shall be entitled to membership for one year, and so long thereafter as he shall continue to pay the sum of ten dollars yearly. \$50 for life membership.
\$10 for annual membership.

SECTION 3. It shall be the duty of the Western Pennsylvania Hospital society, and of the select and common councils of the city of Pittsburg, and of the town council of the borough of Allegheny, as soon after the terms of the first section of this act are complied with, each, to appoint one respectable citizen from the members of their respective bodies, who, together with three commissioners to be appointed by the Governor, shall form a board of commissioners for the Western Pennsylvania Hospital society, whose duty it shall be to fix on a suitable site for the buildings, to purchase the grounds, and who shall have the direction and superintendence of the buildings. Board of commissioners to superintend buildings.

SECTION 4. The said Hospital shall be located in or near the city of Pittsburg, and there shall be received therein free of expense, all insane persons from the counties of Location of Hospital.

Allegheny, Washington, Fayette, Greene, Westmoreland, Huntingdon, Somerset, Bedford, Cambria, Potter, M'Kean, Clearfield, Tioga, Indiana, Jefferson, Armstrong, Butler, Warren, Venango, Beaver, Mercer, Crawford and Erie.

Board of
managers.

SECTION 5. The board of managers of said Hospital society shall hereafter consist of nine persons, three to be elected by the Western Pennsylvania Hospital society, the presidents of the select and common councils, and the mayor of the city of Pittsburg, and three citizens of Allegheny county, to be appointed annually by the Governor, which said board shall elect from their members a president, secretary and treasurer, and they shall publish an annual statement of the accounts of the Hospital, appoint a steward, a resident and visiting physician, and such other officers as may be necessary to the well ordering of the affairs of the said Hospital, and to fix and allow their salaries.

Relative to
pay patients. SECTION 6. In all cases where it appears to the board of directors that applicants for admission to the Hospital have estate sufficient to defray their expense, they shall be received therein as pay patients.

Grand juries
to visit the
Hospital.

SECTION 7. It shall be the duty of the grand juries for the city of Pittsburg and the county of Allegheny, to visit said Hospital once in every year.

The Orphan
Asylum of
Lancaster
incorporated

SECTION 8. For the purpose of establishing an Orphan Asylum in the city of Lancaster, the rector and members of the vestry of St. James' church in the said city, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name, style and title of "The Trustees of the Orphan Asylum of Lancaster," and by that name shall have perpetual succession, and a common seal which they may alter and renew at pleasure, and by the same name may sue and be sued, plead and be impleaded, and be capable of taking, receiving, holding and disposing of any lands, chattels and property, real, personal and mixed, which are or hereafter may be granted, given, devised or bequeathed to them for the purpose of establishing or supporting an Orphan Asylum in the city of Lancaster, agreeably to the true intent of the donors: *Provided*, The clear yearly value of the real estate of the said trustees, held for that purpose shall not exceed six thousand dollars.

Proviso.

By-laws.

SECTION 9. That the said trustees of the Orphan Asylum of Lancaster may, for the purposes above mentioned and for the well ordering and conducting of the said Orphan Asylum when established, make such by-laws, rules and regulations as they may think proper, the same not being inconsistent with the laws and constitution of this commonwealth or of the United States.

SECTION 10. That the State Treasurer be, and he is hereby \$1000 ap- authorized and required to pay to the trustees of the Orphan Asylum of Lancaster, the sum of one thousand dollars annually for per annum for the term of ten years, from the first day of ten years. January, Anno Domini one thousand eight hundred and thirty-eight: *Provided*, That the relief afforded by this in-stitution shall not be confined to the orphans of any particular sect or religious denomination, but shall be extended to destitute orphans in the city and county of Lancaster, without regard to the religious opinions or professions of the parents. Proviso.

SECTION 11. That the Governor is hereby authorized and required to draw his warrant on the State Treasurer, in favor of the Pennsylvania Institution for the Deaf and Dumb, for the sum of eight thousand dollars, to enable said institution to finish the accommodations commenced under the authority of the legislature, for the education of all the deaf and dumb within this commonwealth of a suitable age, and moreover shall draw his warrant on the State Treasurer in favor of the said president, for the further sum of one hundred and sixty dollars for every indigent pupil taught in said school, one half to be paid at the expiration of the term of six months, and the remainder at the end of the year: *Pro-vided*, That no child shall be received into said institution, to be educated at the expense of this commonwealth, under the age of ten years nor over the age of twenty years, and that no one scholar shall be taught therein at the expense of this commonwealth more than six years: *And Provided also*, That after the pupils now in the institution from other states shall have finished their education, preference shall always be given to the children of this commonwealth when there are not accommodation for all who may apply; and that so much of the fourth section of the act of the eighth February, eighteen hundred and twenty-one, as limits the annual appropriation for tuition to eight thousand dollars, and so much of the first section of the act of twentieth of February, eighteen hundred and thirty-three, as limits the time each pupil shall receive instruction at the expense of the commonwealth to five years, be and the same are hereby repealed. Penn'a. In-stitution for the Deaf and Dumb. \$8000 ap-propriated. Proviso. 2d Proviso.

SECTION 12. The preceding section of this act, so far as it relates to the annuity from the commonwealth, shall be and continue in force for six years from and after the first day of April, one thousand eight hundred and thirty-eight, and no longer. Annuity to continue for 6 years.

SECTION 13. The annual meeting of the contributors for the election of officers and directors of said institution, and to receive the report of the board of directors after the next Annual meetings.

annual meeting, shall take place on the third Wednesday in January in each and every succeeding year, and so much of that clause in the constitution and fundamental laws as requires the same to be held in May, from and after the next annual meeting, be and the same is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 50.

An Act

For the incorporation of several Bridge companies, and for other purposes.

Lewistown
& Tuscarora
Bridge Co.

Commiss'rs.

To procure
books.

Form of sub-
scription.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Norris, James Milliken, David Cummings, James Parker, Findley Ellis, Abraham S. Wilson, James Dickson, Samuel Comfort, William Reed, William Mayes, Samuel Alexander and Henry Hall, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first day of July next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: We whose names are hereunto subscribed do promise to pay to the president, managers and company for erecting a bridge over the Juniata river, at the borough of Lewistown in the county of Mifflin, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion and at such times as may be determined by the president and managers, in pursuance of an act of Assembly entitled "An act for the incorporation of several Bridge companies;" Witness our hands the day of one thousand eight hundred and ; and shall thereupon give notice in one or more newspapers printed in said county, for at least one month, of the time and place where the said

books shall be opened to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed Number of thereon five hundred shares, and the said commissioners shares. may adjourn from time to time until the whole number of shares aforesaid shall be subscribed.

SECTION 2. When twenty or more persons shall have sub. Letters pa-
scribed two hundred and fifty shares, the said commissioners tent.
or a majority of them, shall certify under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, and their ability to pay, whereupon it shall be lawful for the Governor, by letters patent under his hand and seal of the state, to create and erect the subscribers and also those who may thereafter subscribe, into one body politic and corporate in deed and in law, by the name, style and title of the Lewistown and Tus- Name style
carora Bridge company, and by said name the said subscribers & title.
shall have perpetual succession, and the privileges and tran- Privileges.
chises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner as they may think proper, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring and conveying in fee simple or for any less estate, all such lands, tenements and hereditaments, real and personal, as shall be necessary to them in the prosecution of their work, and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The five first named persons in the letters Organizat'n.
patent, shall as soon as conveniently may be after the sealing of the same, give notice in two or more newspapers printed in the county of Mifflin, of a time and place to be by them appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose, by a majority of votes of said subscribers, by ballot, either in person or by proxy duly authorized, one president, six managers and one treasurer, to conduct the business of said company for one year and from thence to the next annual election; and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual

- election of said company ; they may make and have one common seal and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the company : *Provided*, That the number of votes each stockholder shall be entitled to shall be according to the number of shares he or she shall hold in the proportions following, that is to say : for each share not exceeding two shares, two votes ; for every two shares above two and not exceeding ten shares, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears absolutely and bona fide, in his own right or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person : *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company no person shall be permitted to vote unless he or she shall have paid all the instalments called for, and then due on the shares by him or her subscribed : *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.
- Scal.**
- Proviso.**
- Ratio of votes.**
- 2d. Proviso**
- 3d. Proviso.**
- Annual election.**
- Quorum. Minutes.**
- Powers.**
- SECTION 4. The stockholders shall meet on the first Monday of January in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first elected.
- SECTION 5. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons as they may think necessary to erect the said bridge and collect the tolls hereinafter authorized ;

and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares in order to carry on their work, to draw orders on the treasurer for all deb'ts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them.

SECTION 6. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Mifflin, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid.

Penalty for neglecting to pay instalments.

SECTION 7. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages and beasts of draught and burden, to enter in and upon the lands and shores of the river contiguous thereto and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge and keeping the same in repair: *Provided*, That in case of disagreement with the owners about the value of said materials, any justice of the peace of Mifflin county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose decision, or a majority of them, shall be final and conclusive, and binding upon the parties upon the tender of the amount so awarded.

Authority to enter upon lands.

Damages.

Proviso.

SECTION 8. When the said bridge is completed as aforesaid, the property of said bridge and its appendages shall be vested in the said company as aforesaid, their successors and assigns for ever, and it shall and may be lawful for said

Tolls.

company, their successors and assigns, to erect a gate or gates and such other buildings as they may deem necessary for a residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, to wit: for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents; for every dearborn wagon, drawn by one horse, twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten cents; for every horse, mare or gelding, with or without a rider, ten cents; for every person traveling on foot three cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine twenty cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twelve head on the said bridge at the same time: *Provided*, That any person attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That if any person or persons shall wilfully ride, drive or lead any horse or other animal faster than a walk when crossing said bridge, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines of like amount are by law recoverable.

Proviso.

2d Proviso.

Penalty for collecting illegal toll.

SECTION 9. If any gate keeper for said company shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the party aggrieved as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

SECTION 10. The said president, managers and company Dividenda. shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges, and if it shall then appear, from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum, on the whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company, to increase the tolls herein allowed so much as will raise the dividend to ten per centum per annum; and at the end of every two years thereafter they shall render to the general assembly a like abstract of their accounts for the preceding two years; and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

SECTION 11. That if said company shall not proceed to Time for carry on the work in three years after the passage of this commencing-act, or shall not within five years thereafter complete the and comple- same according to the true intent and meaning hereof, then, ting the and in either of these cases, all and singular the rights, li- work. berties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 12. Robert Elliott, Samuel Black, Jacob Beaver, Millerstown, Thomas Cochran, John Fertig, Frederick Rinehart, David Bridge Co. Kepner, John Rice, and Jonas Ickes, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say; they shall on or before the first day of January next procure one or more books for taking to procure subscriptions of stock, and shall write therein as follows: books. We whose names are hereunto subscribed do promise to pay to the president, managers and company for erecting a bridge over the Juniata river, opposite Sunbury street, in Millers- Form of suba- town, in the county of Perry, the sum of twenty dollars for scription. every share of stock in said company set opposite to our respective names, in such manner and proportion and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled "An act for the incorporation of several Bridge companies;" Witness our hands the day of one thousand eight hundred and ; and shall thereupon give notice in one or more newspapers printed in the counties of Juniata and Perry, for at least one month, of the time and place where.

the said books shall be opened to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed therein six hundred shares, and the said commissioners may adjourn from time to time until the whole number of shares aforesaid shall be subscribed.

Number of shares.

Letters patent.

Name, style and title.

Privileges.

Organization

Vacancies.

SECTION 13. When twenty or more persons shall have subscribed three hundred shares, the said commissioners, or a majority of them, shall certify under their hands and seals, to the Governor, the names of the subscribers and the number of shares subscribed by each, whereupon it shall be lawful for the Governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also those who may thereafter subscribe, into one body-politic and corporate in deed and in law, by the name, style and title of the Millerstown Bridge company, and by said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner as they may think proper, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments, real and personal, as shall be necessary to them in the prosecution of their work and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 14. That the five first named persons in the letters patent shall, and soon as conveniently may be after the sealing of the same, give notice in two or more newspapers printed in the counties of Perry and Juniata, of a time and place by them to be appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy duly authorized, one president, six managers and one treasurer, to conduct the business of said company for one year and from thence until the next annual election, and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company;

they may make and have one common seal and the same may Seal.
 alter or renew at pleasure, and may make such by-laws,
 rules, orders and regulations, not inconsistent with the con-
 stitution and laws of the United States or of this state, as
 shall be necessary for the well ordering of the affairs of the
 company: *Provided*, That the number of votes each stock-
 holder shall be entitled to shall be according to the number
 of shares he or she shall hold, in the proportions following,
 that is to say : for each share not exceeding two shares, two Ratio of
 votes; for every two shares above two and not exceeding votes.
 ten shares, one vote; for every four shares above ten and not
 exceeding thirty, one vote; for every ten shares above thirty
 and not exceeding one hundred, one vote ; but no share or
 number of shares above one hundred, as aforesaid, shall
 confer any additional right of voting, and no share shall
 confer a right of voting unless it be holden by the person in
 whose name it appears absolutely and bona fide in his own
 right or that of his wife, or for his or her sole use and bene-
 fit, or as an executor or administrator, trustee or guardian,
 or in the right and for the use and benefit of some co-part-
 nership corporation or society of which he or she may be a
 member, and not in the trust for and to the use and benefit
 of any other person : *Provided*, That no person shall be 2d Proviso.
 permitted to vote at the first election of the said company,
 unless he or she shall have fully paid one dollar on each share
 of stock by him or her subscribed, as directed by the second
 section of this act, and at all subsequent elections of said
 company, no person shall be permitted to vote unless he or
 she shall have fully paid all the instalments called for and
 then due on the shares by him or her subscribed : *And pro- 3d Proviso.*
vided further, That no shares held by transfer shall be enti-
 tled to vote, unless the same shall have been transferred at
 least three months before the election.

SECTION 15. The stockholders shall meet on the first
 Monday of January in each succeeding year, at such place
 as shall be fixed on by the rules and orders of said com-
 pany, of which notice shall be given as aforesaid, for the
 purpose of choosing such officers as aforesaid, for the year
 ensuing the term of service of those first elected. Annual elec-
 tion.

SECTION 16. The said president and managers, four of
 whom shall for all purposes be a quorum, shall keep minutes
 of all their proceedings fairly entered in a book to be kept
 for that purpose, and shall have full power and authority to
 agree with and appoint such engineers, superintendents,
 artists and other persons as they may think necessary to Quorum.
 Minutes.
 Powers.

erect the said bridge and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares in order to carry on their work, to draw orders on the treasurer for all debts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them.

Penalty for neglecting to pay instalments.

SECTION 17. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid.

Authority to enter upon lands.

SECTION 18. It shall and may be lawful for the said president and managers, by and with their superintendent, engineers and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages and beasts of draught and burden, to enter in and upon the lands and shores of the river contiguous thereto and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge, and keeping the same in repair: *Provided*, That in case of disagreement with the owner about the value of said materials, any justice of the peace of Perry county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same. whose decision, or a majority of them, shall be final and conclusive, and binding upon the parties upon tender of the amount so awarded.

Damages.

Proviso.

SECTION 19. When the said bridge is completed as afore-

said, the property of said bridge and its appendages shall be vested in the said company as aforesaid, their successors and assigns for ever, and it shall and may be lawful for said company, their successors and assigns, to erect a gate or gates and such other buildings as they may deem necessary for a residence of a toll collector, and to demand and receive toll from travellers and others at said bridge agreeably to the following rates, to wit : for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents ; for every carriage having two wheels, for each horse drawing the same seven and a half cents ; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents ; for every dearborn wagon drawn by one horse, twelve and a half cents ; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents ; for every sleigh or sled, for each horse drawing the same ten cents ; for every horse, mare or gelding, with or without a rider, ten cents ; for every person traveling on foot three cents ; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse ; for every score of sheep or swine twenty cents ; for every head of cattle three cents ; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twelve head on the said bridge at the same time : *Provided*, That any person attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll : *And Provided* further, That if any person or persons shall wilfully ride, drive or lead any horse or other animal faster than a walk when crossing said bridge, he, she or they so offending shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines of like amount are by law recoverable.

Tolls.

Proviso.

2d Proviso.

SECTION 20. If any gate keeper for said company shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the party aggrieved as fines of the same amount are by law

Penalty for collecting illegal tolls.

Proviso. recoverable : *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Dividend. SECTION 21. The said president, managers and company shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges; and if it shall then appear, from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company to increase the tolls herein allowed so much as will raise the dividend to ten per centum per annum; and at the end of every two year thereafter, they shall render to the general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

Time for commencing & completing said road. SECTION 22. That if said company shall not proceed to carry on the work in three years after the passage of this act, or shall not within five years thereafter complete the same, according to the true intent and meaning hereof, then, and in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to this commonwealth.

Huntingdon Bridge, time for erecting it extended. SECTION 23. The time for finishing and completing the bridge authorized by the act entitled An act to authorize the Governor to incorporate a company to erect a Bridge over the Juniata, at the borough of Huntingdon, passed the thirteenth day of March, Anno Domini one thousand eight hundred and sixteen, be, and the same is hereby extended to the first day of November, in the year one thousand eight hundred and forty-five, and no longer; and that each and every section of the said recited act is hereby re-enacted and declared to be in as full force, to all intents and purposes, as if the same had been herein inserted, and that George Jackson, John Henderson, Andrew P. Wilson and Daniel Africa, are hereby appointed commissioners in the room of Richard Smith, John A. Henderson, John H. Lambert and William Wemiss Smith who have since died.

SECTION 24. Thomas O'Bryan, James Black, Abram

B Demaree, John Leas, Jonas Ickes, Jacob Leas, Jacob Rider's Ferry
 Loy, Samuel Sipe, Robert Mitchell, John K. Smith, John Bridge Co.
 W. Basserman, William Wallace, James Jackman, Charles
 Wright, George Kepner and Abraham Rider, be, and they
 are hereby appointed commissioners to perform the several
 duties hereinafter mentioned, that is to say; they shall, on
 or before the first day of Jannary next, procure one or more Commiss'rs
to procure
books.
 books for taking subscriptions of stock, and shall write there-
 in as follows : We whose names are hereunto subscribed do
 promise to pay to the president, managers and company for
 erecting a bridge over the Juniata river, at Rider's Ferry, in
 the county of Perry, the sum of twenty dollars for every
 share of stock in said company set opposite to our respective
 names, in such manner and proportion and at such times as may Form of
subscription.
 be determined by the president and managers, in pursuance
 of an act of assembly entitled "An act for the incorporation
 of several Bridge companies;" Witness our hands the
 day of one thousand eight hundred and ; and
 shall thereupon give notice in one or more newspapers print-
 ed in said county, for at least one month, of the time and
 place where the said books shall be opened to receive sub-
 scriptions of stock to the aforesaid company, at which time
 and place some one or more of said commissioners shall
 attend for that purpose, which books shall be kept open for
 the purpose aforesaid, at least six hours in each day, whereof
 notice as aforesaid shall have been given, or until the said Number of
shares.
 books shall have subscribed therein six hundred shares, and
 the said commissioners may adjourn, from time to time, until
 the whole number of shares aforesaid shall be subscribed.

SECTION 25. When twenty or more persons shall have Letters pa-
tent.
 subscribed three hundred shares, the said commissioners, or
 a majority of them, shall certify, under their hands and seals,
 to the Governor, the names of the subscribers and the num-
 ber of shares subscribed by each, whereupon it shall be law-
 ful for the Governor, by letters patent under his hand and seal
 of the state, to create and erect the subscribers, and also
 those who may thereafter subscribe, into one body politic
 and corporate in deed and in law, by the name, style and
 title of the Rider's Ferry Bridge company, and by said name Name, style
and title.
 the said subscribers shall have perpetual succession, and the
 privileges and franchises incident to a corporation, and Privileges.
 shall be capable of taking and holding their said capital
 stock, and the increase and profits thereof, and of enlarging
 the same from time to time by new subscriptions, in such
 manner as they may think proper, and of purchasing, taking
 and holding to them and their successors and assigns, and
 of selling and transferring and conveying in fee simple or for

any less estate, all such lands, tenements, hereditaments, real and personal, as shall be necessary to them in the prosecution of their work and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organiza-
tion.

Vacancies.

Seal.

Proviso.

Ratio of
votes.

2d Proviso.

SECTION 26. That the five first named persons in the letters patent, shall, as soon as conveniently may be after the sealing of the same, give notice in two or more newspapers printed in the county of Perry, of a time and place to be by them appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers, by ballot, either in person or by proxy duly authorized, one president, six managers and one treasurer, to conduct the business of said company for one year, and from thence to the next annual election; and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the company: *Provided*, That the number of votes each stockholder shall be entitled to shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, two votes; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears absolutely, and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in the trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as

directed by the second section of this act, and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *And Provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election. 3d Proviso.

SECTION 27. The stockholders shall meet on the first Monday of January in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first chosen. Annual election.

SECTION 28. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons as they may think necessary to erect the said bridge and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares in order to carry on their work, to draw orders on the treasurer for all debts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them. Quorum.
Minutes.
Powers.

SECTION 29. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, of the time and place of payment of any instalment of the said capital stock, shall neglect to pay such instalment at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid. Penalty for neglecting to pay instalments.

SECTION 30. It shall and may be lawful for the said president and managers, by and with their superintendent, engineers and persons with whom they may contract for the erection of the whole or any part of said bridge, their artists, Authority to enter upon lands,

Damages.

Proviso.

workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages and beasts of draught and burden, to enter in and upon the lands and shores of the river contiguous thereto and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage there-to as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge and keeping the same in repair: *Provided*, That in case of disagreement with the owner about the value of said materials, any justice of the peace of Perry county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose decision, or a majority of them, shall be final and conclusive, and binding upon the parties upon tender of the amount so awarded.

Tolls.

SECTION 31. When the said bridge is completed, as afore-said, the property of said bridge and its appendages shall be vested in the said company, as aforesaid, and their successors for ever, and it shall and may be lawful for said company and their successors to erect a gate or gates, and such other buildings as they may deem necessary for a residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, to wit: for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same fifteen cents; for every dearborn wagon drawn by one horse twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten cents; for every horse, mare or gelding, with or without a rider, ten cents; for every person traveling on foot three cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine twenty cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twelve head on the said bridge at the same time: *Provided*, That any person attending funerals, any military company or detachment of

Proviso.

this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll : *And provided further*, That if any person or persons shall wilfully ride, drive or lead any horse or other animal faster than a walk, when crossing said bridge, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines of like amount are by law recoverable. 2d. Proviso.

SECTION 32. If any gate keeper for said company shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the party aggrieved as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed. Penalty for collecting illegal tolls.
Proviso.

SECTION 33. The said president, managers and company shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the general assembly an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges, and if it shall then appear, from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company, to increase the tolls herein allowed so much as will raise the dividend to ten per centum per annum; and at the end of every two years thereafter they shall render to the general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum. Dividends.

SECTION 34. That if said company shall not proceed to carry on the work in three years after the passage of this act, or shall not within five years thereafter complete the same, according to the true intent and meaning hereof, then, and in either of these cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to this commonwealth. Time for commencing & completing the work.

Caroline
Furnace
Bridge Co.

Commiss'rs.
to procure
books.

Form of sub-
scription.

Number of
shares.

1st. Proviso

2d. Proviso.

SECTION 35. John D. Creigh, James Jackman, William Wallace, Richard English, Alexander M'Allister, Alexander M'Gee, George Stroop, Benjamin M'Intire, John M'Kuhah, George Barnitz, John H. Case, Daniel Bogar, William Montgomery, Samuel Thompson, Patrick M'Morris, Thomas Duncan, John Patterson, William Howe, James Black, Kirk Haines, John Kibler, John T. Robeson, John Koch, David Lupfer, Jonas Ickess, Henry Fetter, Jacob Evinger, John Zimmerman, James Adams, William B. Anderson, James Ewing, Lewis Mickey, and James Lowden, be, and and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first day of January next, procure one or more books for taking subscriptions of stock, and shall write therein as follows : We whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the Juniata river, at Caroline Furnace, in the county of Perry, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion and at such times as may be determined by the president and managers, in pursuance of an act of assembly entitled, "An act for the incorporation of several Bridge companies;" Witness our hands the day of one thousand eight hundred and ; and shall thereupon give notice in one or more newspapers printed in said county, for at least one month, of the time and place where the said books shall be opened to receive subscriptions of stock to the aforesaid company, at which time and place some one or more of said commissioners shall attend for that purpose, which books shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed therein twelve hundred shares, and the said commissioners may adjourn from time to time until the whole number of shares aforesaid shall be subscribed : *Provided*, That the commissioners of the county of Perry, or a majority of them, may subscribe for any number of shares to the stock of said bridge company they may deem expedient : *Provided also*, That the county shall at any time hereafter have the right of buying out the company, by re-imbursing to the stockholders such money as they may have expended in the erection and completion of said bridge, together with the interest thereon, at a rate of six per cent. per annum from time of payment.

SECTION 36. When twenty or more persons shall have subscribed three hundred shares, the said commissioners, or

a majority of them, shall certify, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, whereupon it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also those who may thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the Caroline Furnace Bridge company, and by said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner as they may think proper, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring and conveying, in fee simple or for any less estate, all such lands, tenements & hereditaments, real and personal, as shall be necessary to them in the prosecution of their work and the collection of tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 37. That the five first named persons in the letters patent, shall as soon as conveniently may be after the sealing the same, give notice in two or more newspapers printed in the county of Perry, of a time and place to be by them appointed, not less than fifteen days, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize said company, and shall choose by a majority of votes of said subscribers by ballot, either in person or by proxy duly authorized, one president, six managers and one treasurer, to conduct the business of said company for one year, and from thence to the next annual election; and in case of the death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal and the same may alter or renew at pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the company: *Provided*, That the number of votes each stockholder shall be entitled to shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, two votes; for every two shares above two and not exceeding ten shares, one vote; for every four

Letters patent.

Names style & title.

Privileges.

Organizat'n.

Vacancies. Seal.

Proviso.

Ratio of votes.

shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting, and no share shall confer a right of voting unless it be holden by the person in whose name it appears absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in the trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she have fully paid one dollar on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *And provided further*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

2d. Proviso.

3d. Proviso.

Annual election.

Quorum.
Minutes.

Powers.

SECTION 38. The stockholders shall meet on the first Monday of January in each succeeding year, at such place as shall be fixed on by the rules and orders of said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid, for the year ensuing the term of service of those first chosen.

SECTION 39. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons as they may think necessary to erect the said bridge and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times when and proportions in which the stockholders shall pay their respective shares in order to carry on their work, to draw orders on the treasurer for all debts that may be contracted by them, which orders shall be signed by the president and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of said company may be entrusted to them.

Penalty
for neglect-
ing to pay
instalments.

SECTION 40. If any stockholder, whether original subscriber or assignee, after thirty days notice in one or more newspapers printed in the county of Perry, of the time and place of payment of any instalment of the said capital stock,

shall neglect to pay such instalment at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and the additional penalty shall remain unpaid for the space of sixty days thereafter, the said president and managers may at their election cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid.

SECTION 41. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers and persons with whom they may contract, for the erection of the whole or any part of said bridge, their artists, workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages, and beasts of draught and burden, to enter in and upon the lands and shores of the river contiguous thereto, and near to which the said bridge shall be built, first giving notice of their intention to the owners or keepers thereof, and doing as little damage thereto as possible, and to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of said bridge and keeping the same in repair: *Provided*, That in case of disagreement with the owner about the value of said materials, any justice of the peace of Perry county, not interested therein, upon application of either party, may appoint three disinterested freeholders of said county to value the same, whose decision, or a majority of them, shall be final and conclusive, and binding upon the parties upon tender of the amount so awarded. Authority to enter upon lands. Damages. Proviso.

SECTION 42. When the said bridge is completed as aforesaid, the property of said bridge and its appendages shall be vested in the said company, as aforesaid, and their successors for ever, and it shall and may be lawful for said company, and their successors, to erect a gate or gates, and such other buildings as they may deem necessary for the residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, to wit: for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents; for every carriage having two wheels, for each horse drawing the same seven and a half cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each Tolls.

horse drawing the same fifteen cents; for every dearborn wagon, drawn by one horse, twelve and a half cents; for every chaise or other two wheeled carriage of pleasure, for each horse drawing the same twelve and a half cents; for every sleigh or sled, for each horse drawing the same ten cents; for every horse, mare or gelding, with or without a rider, ten cents; for every person traveling on foot three cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine twenty cents; for every head of cattle three cents; and in no case shall it be lawful for the owner or driver of any horse or cattle to lead or drive more than twelve head on the said bridge at the same time: *Provided*, That any person attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, That if any person or persons shall wilfully ride, drive or lead any horse or other animal faster than a walk, when crossing said bridge, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the company as fines of like amount are by law recoverable.

Proviso.

2d. Proviso.

Penalty for collecting illegal toll.

SECTION 43. If any gate keeper for said company shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the party aggrieved as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Dividends.

SECTION 44. The said president, managers and company, shall make and declare a dividend of the profits and increase of said bridge, and annually thereafter lay before the legislature an abstract of their accounts, showing the whole of the said capital expended in the completion of said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all incidental charges; and if it shall then appear, from the average profit of two successive years, that the said income or profit will not bear a dividend of ten per centum per annum on the

whole of the capital stock so expended, then and in that case it shall be lawful for said president, managers and company to increase the tolls herein allowed, so much as will raise the dividend to ten per centum per annum; and at the end of every two years thereafter they shall render to the general assembly a like abstract of their accounts for the preceding two years, and if it shall then appear that the clear profits will leave a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the same to ten per centum per annum.

SECTION 45. That if said company shall not proceed to Time for carry on the work in three years after the passage of this commencing act, or shall not within five years thereafter complete the and comple- same, according to the true intent and meaning hereof, then, ^{ting the} and in either of these cases, all and singular the rights, li- ^{work.} berties and franchises hereby granted to said company shall revert to this commonwealth.

SECTION 46. William A. Pennyman, Hugh Fergus, Sa-Elizabeth muel Walker, D. McCurdy, Caleb Edmondson, John Col-Bridge hoon, Henry Westby and Samuel Frew, of Elizabeth company. township, Allegheny county, and E. Percival, J. King, of Jefferson township, and O. Ormsby Gregg, James Patterson, jr., Henry Long, and Rinehart Bausman, of the borough of Birmingham, in said county, be, and they are hereby ap- pointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or be- Commiss'rs. to provide books. fore the first day of June next, provide a book or books for the entering of subscriptions, and shall write therein as follows: We whose names are hereunto subscribed do promise to pay to the president and managers of the Elizabeth Bridge company, for erecting a bridge over the Mononga-Form of sub- hela river, from the borough of Elizabeth, in Elizabeth scription. township, in the county of Allegheny, the sum of fifty dollars for each and every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled An act for the incorporation of several Bridge companies; Witness our hands the day of in the year of our Lord one thousand eight hundred and ; and shall thereupon give notice in three of the public newspapers printed at Pittsburg, during one calendar month at least, of the times and places where and when the said books shall be open to receive subscriptions, at which time and places some one or more of the said commission- ers shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or

Number of shares. until twelve hundred shares shall be subscribed ; and if twelve hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournments public notice shall be given in some two or more of the newspapers of said city of Pittsburg :
 Proviso. *Provided always*, That every person on entering his name in the books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized; such first payment on each share to be taken and considered as a part payment on each share subscribed for.

Letters patent. SECTION 47. As soon as eight hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing, to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of The President and Managers of the Elizabeth Bridge company, for erecting a bridge over the Monongahela river, from the borough of Elizabeth, Elizabeth township, across to the southern side of the Monongahela river, in the county of Allegheny, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do

Name, style, and title.

Privileges.

Organiza't'n SECTION 48. The six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in two or more of the public newspapers printed at Pittsburg, of a time and place to be appointed, not less than thirty days from the time of

issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, ten managers, one treasurer, one clerk, and such other officers as they may think necessary to conduct the business of the company, during one year and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

Proviso.

2d. Proviso.

SECTION 49. A public meeting of the said stockholders shall be held on the first Monday of July next following the first election, had as aforesaid, and on the first Monday of July in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

Annual election.

SECTION 50. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, ten dollars on each share, which certificates shall be transferable either by the owner in person or by his attorney, duly authorized in the presence of the president, or of the treasurer for the time being, subject however to the payment due or that may grow due thereon, and the persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Certificates of stock.

Of transfer.

SECTION 51. The president and managers shall meet at such times and places, and be convened in such manner as

Meetings.

shall be agreed on for transacting the business of the company, at which meeting five members shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants and workmen as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws of the company shall be committed to him.

Penalty for neglecting to pay instalments. SECTION 52. If any stockholder, after thirty days notice in two of the public newspapers printed in Pittsburg, of the time and places appointed for the payment of any proportion, dividend or instalment of the said capital stock still due on each share, shall neglect to pay the same, for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment; and if the same and the said additional penalties remain unpaid so long that the accumulated penalties shall become equal to the sums already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the book by the clerk at such meeting.

Authority to purchase lands necessary for the bridge. SECTION 53. Before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary, for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Allegheny county,

who upon such application, are hereby authorized and required to appoint three discreet and disinterested freeholders of this state, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary, for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid, and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement, having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the cost of the appraisement, the said corporation shall be entitled to have and to hold to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners, and thereupon, and not before, it shall be lawful to commence the erection of the said bridge.

Appraisem't
of lands in
case of disa-
greement by
the parties.

SECTION 54. The president and managers of said company, shall keep fair and just accounts of all monies received by them from the commissioners aforesaid, and from the subscribers, to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited as aforesaid, of all voluntary contributions and of monies expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work,

Just acc'ts
to be kept.

Number of
shares may
be increas-
ed.

and to demand and receive the monies subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

Tolls.

SECTION 55. When the Elizabeth Bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns during and unto the end of forty years, to commence from the time when said bridge shall be completed, and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls as follows, viz: for every foot passenger two cents; for every carriage of whatever description, used for the purpose of the trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for such carriage, having four wheels and drawn by five horses, sixty-two and a half cents; for every such carriage, having four wheels and drawn by four horses, fifty cents; for every such carriage having four wheels and drawn by three horses, forty-four cents; for every such carriage, having four wheels and drawn by two horses, thirty-seven and one-half cents; for every such carriage, having four wheels and drawn by one horse, thirty-one cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents; for every such carriage having four wheels and drawn by two horses, sixty-two and one-half cents; for every such carriage, having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents; for every such carriage, having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage having two wheels and drawn by two horses, thirty-one cents; for every such carriage, having two wheels and drawn by one horse, eighteen cents; for chair or other two wheeled carriage of pleasure, and for every horse used therein eighteen cents; for every sleigh or sled drawn by four horses, thirty-seven and one-half cents; for every sleigh or sled, drawn by three horses, thirty-one cents; for every sleigh or sled, drawn by two horses, twenty-five cents; for every sleigh or sled, drawn by one horse, twelve and one-half cents; for every horse, mare or gelding, with or without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every

head of sheep or swine, two cents: *Provided*, That any person or persons attending funerals, any detachment of the military of this state or of the United States, foot passengers attending divine service on the Sabbath day, students or children attending schools or other seminaries of learning, shall at all times be exempt from toll: *Provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum, in place of the toll hereinbefore mentioned: *And provided also*, That when the toll shall exceed fifteen per cent. nett annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found adequate to the redemption of said bridge so as to declare it free, providing at the same time for its repairs, then the said company shall be obliged to take such sum of money therefor, as shall be allowed on a fair appraisement by disinterested persons, to be chosen in such manner as directed by law; but if the said bridge shall not be redeemed and paid for as a free bridge at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner as may be directed by the legislature: *And provided further*, That the said president, managers and company of the Elizabeth Bridge, shall cause the said bridge to be erected of sufficient height, so as not to interrupt the navigation of said river.

SECTION 56. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or price for the passing over the said bridge than what is hereinbefore prescribed, or shall neglect to keep the said bridge in repair, he or they shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half whereof to be paid to the overseers of the poor of the township of Elizabeth, Allegheny county, for the use of the poor of said township, and the other half to the person who shall sue for the same: *Provided always*, That no suit shall be brought in respect of this unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice, in any such case, brought before him shall be liable to reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be

Proviso.

2d Proviso.

3d Proviso.

4th Proviso.

Penalty for demanding illegal toll.

Proviso.

2d Proviso.

contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Dividends. SECTION 57. The said president, managers and company, shall keep a just account of all monies received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, or for the repairing or the rebuilding of the said bridge, as time and accident may render necessary, and shall, on every first Monday of January, and every first Monday of July of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter.

Penalty for injuring the bridge &c. SECTION 58. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall, each of them forfeit and pay for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable, and he or she so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages : *Provided always*, That no such suit shall be brought unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversion, as provided for in similar cases by law.

Banking prohibited SECTION 59. The said company shall not have power to issue any note or notes in the nature of bank notes, or to make discounts, or receive deposits after the manner of any bank or banks, and in case they should do so, contrary to the provisions of this section, then* their chartered privileges shall be null and void.

SECTION 60. If the president, managers and company for Time for erecting the said bridge aforesaid over the Monongahela river commencing shall not proceed to carry on the said work within the space & complete of five years from the passage of this act, and shall not within the space of eight years from the passing thereof complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.

SECTION 61. That George Stroop, Robert Clark, Amos A. Jones, Thomas Duncan, Jacob Keiser, William Clark, Alexander Branyan, Henry Hackett, James Black, Robert Mitchell, John Wagner, Jacob Wively, Benjamin McEntire, David Grove, George Barret and Frederick Rhinehart of Perry county, be, and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or before the first Monday of August next, procure a book or books and enter therein as follows: We whose names are hereunto subscribed do promise to pay unto the president, managers and company, authorized to erect a bridge over the river Juniata, at or near its mouth, for the use of the said company, the sum of twenty dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act for the incorporation of several Bridge companies;" Witness our hands this day of one thousand eight hundred and ; and shall thereupon give notice, in one or more newspapers printed in each of the counties of Perry and Dauphin, for one calendar month at least, of the times and places when and where such book or books shall be opened, to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized, for any number of shares in the said stock, until one hundred and twenty shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall

Juniata
bridge Co.,
near its
mouth.

Commiss'rs
to procure
books.

Form of sub-
scription.

Who may
subscribe.

Number of
shares.

Proviso. amount to one hundred and twenty shares, as aforesaid, the books shall be closed : *Provided*, That the commissioners of the county of Perry, or a majority of them, may subscribe for any number of shares they may deem expedient : *And*

2d Proviso. *provided also*, That the county shall at any time hereafter have the right of buying out the company, by re-imbursing to the stockholders such money, as, together with the interest, they may have expended in the erection and completion of the said bridge.

Letters patent.

Name, style and title.

Privileges.

Organization.

SECTION 62. When one hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The President Managers and Company of the Juniata Bridge, at or near its mouth," and by the said name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them their successors and assigns, and of selling, transferring and conveying in fee simple or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a body politic or corporate may lawfully do.

SECTION 63. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in one or more of the public newspapers in the county of Perry, of the time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as is hereinafter

directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

SECTION 64. A public meeting of the stockholders shall Annual elec-
be held annually, at such time and place as shall be fixed by tion.
the rules and by-laws of the said company, for the purpose of
choosing officers for the ensuing year, and the transaction of
such business as shall come before them: *Provided*, That no Proviso.
person shall have more than ten votes at any election, or in
determining any question arising at such meeting, whatever
number of shares he may be entitled to, and that every per-
son shall be entitled to one vote under ten.

SECTION 65. The president and managers shall procure Certificates.
certificates of stock in the said company, which shall be
signed by the president, and countersigned by the treasurer,
and sealed with the seal of the corporation, and each stock-
holder shall be entitled to a certificate for each share by him
subscribed or held, on paying to the treasurer in part for the
sum due thereon, five dollars on each share, which certificate
shall be transferable either by the owner in person or by his Of transfer.
attorney, duly authorized, in the presence of the president,
or of the treasurer for the time being, subject however to
the payments due or growing due thereon, and the person to
whom such transfer shall be made shall stand in the place of
the former holder, and be entitled to the same privileges, and
liable to the same responsibilities to the company.

SECTION 66. The said president and managers shall meet Meetings.
at such times and places, and be convened in such manner
as shall be prescribed by the by-laws, at which meeting five Quorum.
members shall be a quorum, who, in the absence of the
president, may choose a chairman, and shall keep minutes Minutes.
of all their transactions fairly entered in a book, and at any
such meeting, a quorum being present, they shall have full Powers.
power and authority to agree with and appoint such engi-
neers, superintendents, artists, and other officers as they
shall think necessary for the erection of said bridge, and to
fix their salaries and wages, or at their discretion, make con-
tracts for the erection or construction of the same, or any
part thereof, they shall also determine the times, manner
and proportion in which the stockholders shall pay the money
due on their respective shares, draw orders on the treasurer
for the money necessary to pay salaries, wages and bills for
work or materials, or on account of contracts, which orders

shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also to do and transact all matters and things as by this act or the by-laws of the company shall be committed to them.

Penalty for neglecting to pay instalments.

Forfeiture.

Number of shares may be extended.

Tolls.

SECTION 67. If any stockholder, after thirty days notice given in any two newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECTION 68. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

SECTION 69. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates and demand and receive toll, not exceeding the following rates, to wit: for every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents, and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the aforesaid carriages, with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon, with two horses, ten cents; for every such wagon, drawn by four horses, twenty cents; for every

sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll, to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same; *And provided also*, That no toll shall be demanded from any member of the national or state legislature, or any person attending funerals, churches or schools, or going to or returning from any militia training. 2d. Proviso.

SECTION 70. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending, shall, for every such offence, forfeit and pay the sum of five dollars and fifty cents, to be recoverable as debts of the same amount are recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECTION 71. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest on such security or in such stock as they

shall deem safe and productive, and the interests arising from the same again to invest, and the same stock to sell and transfer, at any time when the funds may be required for the purpose aforesaid.

Toll collectors and watchman. SECTION 72. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he or they will faithfully conduct him or themselves, in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute, with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said bridge.

Penalty for injuring the bridge.

SECTION 73. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall, each of them, forfeit and pay for each and every such offence, to said corporation, the sum of ten dollars, to be recovered before any justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any pistol, gun or other fire arms on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars and fifty cents for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein

mentioned be not sufficient to repair and satisfy said damages.

SECTION 74. If the said company shall not proceed to carry on the said work within five years after they shall have been incorporated, or shall not within the space of seven years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

SECTION 75. If any county or incorporated town shall offer to purchase any of the bridges erected by authority of this act, (except the Elizabeth bridge,) for the purpose of making it a free bridge, the managers and stockholders of such bridge shall be obliged to sell the same, for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas of the county where the bridge is situated, shall adjudge the said bridge to be worth, estimating the tolls at six per cent. per annum on the cost of construction.

SECTION 76. That James A. Pennypacker, Samuel Supplee, Charles Smith, William Davis, Charles Hamer, Oliver P. Pennypacker, Joseph S. Pennypacker, Henry Loucks, Esqr., William Worrall, David Beard Esqr. of Montgomery, James Wood of Philadelphia, John Rinewalt, Isaac Rapp, Thomas Rapp, Mathias Pennypacker, Joseph Pennypacker senr., Elijah F. Pennypacker, Sampson Fudg, Peter Supplee Esq., Isaac Price, Samuel Sower, Charles Adamson, Dr. Jacob Pennypacker, John Morris, Samuel Davis, Charles Carston, John Lehman, Robert Tyson, Abraham Bower, Robert Shannon, James Smith, Jacob Heghley, Esq., Joseph Gotwalts, Dr. Jones, David James Weathrell, Samuel Honing, Joseph Holloway, Jacob Foree, jr., Thomas Fulten, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first Monday of August next, procure a book or books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, authorized to erect a bridge over the river Schuylkill, at Lumberville, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and in such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c. ; witness our hands this day of one thousand eight hundred and ;" and shall thereupon

Time for
commencing
and comple-
ting the
work.

Bridges may
be purchased
for the pur-
pose of ma-
king them
free.

Lumberville
Bridge Co.

Commies'rs

To procure
books.

Form of sub-
scription.

give notice, in two newspapers in the said county, for one calendar month at least, of the time and places when and where such book or books shall be opened, to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until six hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to six hundred shares, as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers thereof chosen as is hereinafter directed.

SECTION 77. When one hundred shares of the said stock, shall have been subscribed, the said commissioners or a majority of them, shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the President, Managers and Company of the Lumberville Bridge, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act,

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

Name style
and title.

Privileges.

and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estates, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a body politic or corporate may lawfully do.

SECTION 78. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice, in two or more of the public newspapers in the county of Montgomery, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen, as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company; and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge. Organization.

SECTION 79. A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatsoever number of shares he may be entitled to, and that every person shall be entitled to one vote under four shares, and for four two votes, and then for every four shares one, to ten votes and no more. Annual election.

SECTION 80. The president and managers shall procure certificates of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part for the sum due thereon, five dollars on each share, which certificate shall be transferable, either by the owner in person or by his attorney, duly authorized, in the presence of the president, or of the treasurer for the time being, subject however to the payment due or growing due thereon; and the Certificates of stock. Of transfer.

person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

Meetings. **SECTION 81.** The said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions truly inserted in a book, and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same, or any part thereof, they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also do and transact all matters and things, as by this act or the by-laws of the said company, shall be committed to them.

Penalty for neglecting to pay instalments. **SECTION 82.** If any stockholder, after thirty days notice given in any two newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor; or the president and managers may sue for and recover the same, before any justice of the peace, or before any court of competent jurisdiction.

Forfeiture. **SECTION 83.** Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary,

Authority to extend the number of shares.

to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

SECTION 84. When a safe passage may be had across the Tolls. said bridge, the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates, and demand and receive toll not exceeding the following rates, to wit : for every score of sheep, six cents ; for every score of hogs, ten cents ; for every score of cattle, twenty cents ; and so far a greater or less number ; for every horse or mule, three cents ; for every horse and rider, four cents ; for every foot passenger, one cent ; for every sulkey, chair or chaise, with one horse and two wheels, ten cents ; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifty cents ; for the aforesaid carriages, with four horses, twenty cents ; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same ; for every wagon with two horses, ten cents ; for every such wagon drawn by four horses, twenty cents ; for every sleigh, five cents for every horse drawing the same ; for every sled, five cents for each horse drawing the same ; for every wagon or cart, five cents for each horse drawing the same ; and two oxen shall be estimated equal to one horse : *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it ; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade of horses drawing the same : *And provided also*, No toll shall be de- 2d Proviso. manded from any person attending funerals, churches or schools, or going to or returning from any militia training.

SECTION 85. If the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice, given by a justice of the peace of the said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by Penalty for demanding illegal toll.

law recoverable, one moiety thereof to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Dividends. SECTION 86. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided* That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding the said bridge in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

Proviso.

Toll collector and watchman. SECTION 87. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or men of said bridge, to take and subscribe on oath or affirmation, before a justice of the peace of said county, that he or they will faithfully conduct him or themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty by watching with vigilance over the interest of the company, and safety of the bridge, and generally to execute, with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuring the Bridge. SECTION 88. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll affixed in any place or places, for the

information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall, each of them, forfeit and pay for each and every such offence, to said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lanthorn or in some vessel secured, so that the possibility of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol, gun or other fire arms on or near said bridge, so that the said bridge might by possibility be set on fire or injured thereby, he or she so offending, shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation company in their works. Proviso.

SECTION 89. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not, within the space of four years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers, printed in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of toll received. Time for commencing and completing the work.

SECTION 90. Robert Davidson, John T. Cunningham, Big Beaver Gordon M. Nye, Alexander Wright, George Eckels, David Vaneman, Jacob Allen, George Hennon, Adam Morrow, Hugh Marshall, William Whan, John Imbue of Big Beaver tp., James Wilson, Solomon Bennet, J. H. Van Gorder, Joseph Morton, Alexander Scott, Alexander Aken, Jacob Allen, Daniel Cole, Fulton Reed, William Morton, North Sewickley tp., Thomas Cairns, Jesse Bell, Moses Matheny, J. M. Cunningham, William Cairns, David White, J. T. Dushane, Shenango tp., Hugh Megittigen, William Smith. near the Irish Ripple Commiss'rs.

Samuel R. Dunlap, John M'Clymonds Darlington, Alexander Alcorn, William Woods, R. M'Clelland, John Clarke, John Nisbet, John Ferguson, James Davidson, Andrew Jenkins, and Alva Leonard, North Beaver tp., John Dickey, Samuel Power, and such others as shall be associated with them, of the county of Beaver, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first day of December next, procure a book and enter therein as follows: We whose names are hereunto subscribed do promise to pay unto the president, managers and company for erecting a bridge over the Big Beaver river, at or near the Irish Ripple, the sum of twenty-five dollars for every share of stock set to our names, respectively, in such proportions and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly, authorizing the Governor to incorporate a company to erect a bridge over the Big Beaver river; witness our hands and seals the _____ day of _____ in the year of our Lord one thousand eight hundred and thirty-eight; and shall thereupon give notice in at least two of the newspapers published in the county of Beaver, for one calendar month at least, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places at least two of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said book, until the number of six hundred shares shall have been subscribed, after which the books shall be closed: *Provided*, That every person offering to subscribe in said books, in his own or in the name of any other person, shall previously pay to the attending commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking said subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers, as hereinafter directed, shall be chosen.

SECTION 91. When twenty or more persons shall have subscribed three hundred or more shares in the said work, the commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers and the number of shares by them subscribed, to the Governor, and thereupon it shall be lawful for the Governor, by letters patent under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate in deed and in law, by the name, style and title of the President and Managers and Company for erecting a Bridge across the

To procure
books.

Form of sub-
scription.

Who may
subscribe.
600 shares.
Proviso.

Letters pa-
tent.

Name, style
and title.

Big Beaver river, at or near the Irish Ripple, in Beaver county; and by the said name the subscribers shall have perpetual succession and all the privileges franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, real and personal, as shall be found necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of doing all and every other thing which a corporation or body politic may lawfully do. Privileges.

SECTION 92. The persons named in the letters patent, as soon as conveniently may be, shall give notice in the before mentioned newspapers of the time and place by them to be appointed, not less than thirty days from the date of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, nine managers and one treasurer, for the term of one year from the date of the aforesaid election, and yearly and every year thereafter the said subscribers shall proceed to ballot as aforesaid for nine managers and one treasurer; that the said managers, so elected and appointed, shall meet within thirty days from the date of such election and select one of their number as president for the current year: *Provided*, That every stockholder shall be entitled to one vote for each and every share he, she or they may hold, if the number shall not exceed five, and one vote for every three shares above five and under twelve; for every ten shares over twenty: *Provided*, That no stockholder shall be entitled to more than twelve votes. Organization Proviso. 2d. Proviso.

SECTION 93. The said president and managers may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and generally to have all powers, authorities and privileges necessary for completing, maintaining and keeping in repair the said bridge: *Provided*, That if the said company shall not proceed to carry on said bridge within five years after the passage of this act, and within five years thereafter complete the same, or if the said company shall proceed to issue any note or notes of the nature of bank Powers. Proviso.

2d. Proviso.

notes, or do any business of the nature of banking, it shall and may be lawful for the legislature to resume all and singular the liberties and privileges hereby granted to said company: *Provided further*, That the erection of said bridge shall not obstruct the navigation of the Pennsylvania canal.

Tolls.

SECTION 94. The president, managers and company for erecting a bridge over the Big Beaver river, at the Irish Ripple, their successors and assigns, are hereby empowered to erect gates and demand and receive tolls not exceeding as follows, to wit: for every foot passenger two cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for every such carriage, having four wheels, drawn by five horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by four horses, fifty cents; for every such carriage, having four wheels and drawn by three horses, forty-four cents; for every such carriage, having four wheels and drawn by two horses, thirty-seven and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-one cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents; for every such carriage, having four wheels and drawn by two horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents; for every such carriage, having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage, having two wheels and drawn by two horses, thirty-one cents; for every such carriage, having two wheels and drawn by one horse, eighteen cents; for every chair or other wheeled carriage of pleasure, for every horse used therein, eighteen cents; for every sleigh or sled, drawn by four horses, thirty-seven and one half cents; for every sleigh or sled, drawn by three horses, thirty-one cents; for every sleigh or sled, drawn by two horses, twenty-five cents; for every sleigh or sled, drawn by one horse, twelve and one half cents; for every horse, mare or gelding, with a rider, six cents; for every horse, mare or gelding, without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, two cents; for every head of

sheep or swine, one cent : *Provided*, That any person or Proviso.
 persons attending funerals, any detachment of the military
 of this state or of the United States, foot passengers attend-
 ing divine service, students or children attending schools
 or other seminaries of learning, shall at all times be exempt
 from paying toll: *Provided also*, That it shall be the duty of 2d. Proviso.
 the president and managers of the company, and their suc-
 cessors, to have a written or printed list or lists of the above
 rates of toll placed upon some conspicuous part at each end
 of the said bridge, for the inspection of all persons desirous
 of seeing the same.

SECTION 95. That nothing contained in any or either of Banking
 the several acts of incorporation contained in this act, shall prohibited.
 be so taken or construed as to authorize any one of the said
 companies to use the funds of such institution for banking,
 or any other purposes whatever other than those for which
 the said corporations are hereby created.

SECTION 96. That Daniel Pound, Jason Andrews, Lans- State road
 ing Wetmore, be and they are hereby appointed commis- from Warren
 sioners to view, lay out, locate and mark a state road, from to the New
 the Borough of Warren, through the Quaker settlement, in York state
 Warren county, to the New York state line. line.

SECTION 97. That it shall be the duty of the above named
 commissioners, or a majority of them, after taking an oath
 or affirmation, before a justice of the peace, to perform the
 duties enjoined upon them by this act, with impartiality and
 fidelity, to carefully view the ground over which the road
 by them to be laid out may pass, and to lay out and locate
 the same as near to a straight line between the aforesaid To locate
 points as the nature of the ground and other important cir- the road &c.
 cumstances will permit, and so that the vertical departure
 from a horizontal line shall at no point exceed five degrees.
 except only at the crossing of ravines and streams, where,
 by moderate filling and bridging, the declination of the road
 may be preserved within that limit.

SECTION 98. That it shall be the duty of the commission-
 ers, plainly and distinctly, to mark upon the ground the
 route agreed upon for the road by them laid out or reviewed Route &c.
 as aforesaid, in such manner as to enable the supervisors
 readily to find the same; and for the purpose of fulfilling the
 duties in this act enjoined, the commissioners are hereby
 authorized, if necessary, to employ two chain bearers, and
 one axe man, at a per diem allowance not exceeding one
 dollar.

SECTION 99. That it shall be the duty of the commission-
 ers to make out a fair and accurate draft of the said location, Draft of the
 noting thereon the courses and distances from point to point road.

as they occur, the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of May, eighteen hundred and thirty-nine, and one copy in the office of the clerk of the court of Quarter Sessions, of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

Compensa'n. **SECTION 100.** That the compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners, for their own pay and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county, respectively.

Accounts.

Time and place of the commissioners meeting. **SECTION 101.** That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by them laid out, on the first Monday of September next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions, of the county wherein such vacancy or vacancies shall happen is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Releases. **SECTION 102.** That it may be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county.

State road from Butler to Curls ville **SECTION 103.** That Mathew Dugan and James Dunlap of Butler county, and Alexander M'Kean, of Armstrong county, be, and they are hereby appointed commissioners to view, lay out, locate and mark a state road from the borough of Butler, through Millerstown in Butler county, to Curls ville in Armstrong county.

SECTION 104. That it shall be the duty of the above Commiss'rs. named commissioners, or a majority of them, after taking to be sworn an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line, shall at no point exceed five degrees, except only at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit.

SECTION 105. That it shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out or reviewed as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized, if necessary, to employ two chain bearers and one axe man, at a per diem allowance not exceeding one dollar.

SECTION 106. That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the crossing of county and township lines, roads, improvements and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the tenth day of May, eighteen hundred and thirty-nine, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

SECTION 107. That the compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay, and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof on warrants

drawn in the usual way, and in proportion to the length of the road in such county, respectively.

SECTION 108. That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by them laid out, on the first Monday of September next, or sooner as may best suit their convenience, and complete the location of the road as soon as practicable; and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 109. That it may be the duty of the said commissioners to take from each and every person or persons, owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 51.

An Act

Making appropriation to rebuild the Valley Creek Bridge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of fifteen thousand dollars is hereby appropriated to rebuild the Valley Creek Bridge, on the Philadelphia and Columbia Railroad, lately destroyed by fire.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 52.

An Act

Relating to certain Election Districts. in the counties of Westmoreland, Delaware and Jefferson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the electors residing within the boundaries of the township of North Huntingdon, in Westmoreland county, shall vote at the place appointed by law for said township, and the electors residing within the limits of Sewickly township, shall vote at the place appointed by law for the township of Sewickly, in said county. Westmoreland county.
N. Huntingdon tw'p.
Sewickly tp.

SECTION 2. That the qualified electors in the second election district in Delaware county, shall hold their general elections at the public house of John Way, in the township of Concord; the qualified electors in the fourth election district in said county, shall hold their general elections at the public house now occupied by William Russel, in the township of Darby; the townships of Aston and Bethel, in said county, shall be a separate election district, and the qualified electors thereof shall hold their general elections at the public house now occupied by John Garrett, in the township of Aston. Delaware county.
Concord tp.
Darby tp.
Aston & Bethel tp's.

SECTION 3. That from and after the passage of this act the electors of the township of Snyder, in the county of Jefferson, shall hold their township elections on the third Friday of February, instead of the first Friday in March. Jefferson co.
Snyder tp.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 53.

An Act

To incorporate the Washington Insurance company of Philadelphia, and for other purposes.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John McCrea, Robert Burton, John M. Barclay, Henry Toland, John C. Da Costa, Charles Blight, M. C. Ralston, Thomas Lewellen, Charles S. Riche, Henry McIlvaine, N. Hicks Graham, Edmund B. Mixsel, John W. McGrath, William V. Pettit, William P. Blight, Bela Badger, Benjamin Duncan, N. C. Forster, D. M. Brodhead, Benjamin E. Carpenter, Alexander McCa-her, A. G. Jaudon, Charles King, Robert Howell, John Siter, Patrick Hayes, George V. Bacon, Richard Price, George J. Pepper, John Jones, (city,) Alexander McClurg, Thomas Cook, David Hill, William H. Nauman, John Ligget, George Wise, be, and they are hereby appointed commissioners for receiving subscriptions to the stock of a company to be called "The Washington Insurance company," and shall open a book for that purpose in the city of Philadelphia, at a time and place by them to be appointed, of which they shall give not less than ten days notice, in two daily newspapers published in the city of Philadelphia, and the said book shall be kept open for two days, between the hours of ten and two o'clock on each day, until the number of eight thousand shares, at twenty-five dollars per share, shall be subscribed, after which the books shall be closed; and all persons of lawful age, being citizens of the United States, shall be permitted to subscribe to the said stock, and on the first day on which the said book shall be opened no person shall be permitted to subscribe for more than five shares; but if the whole of the said stock shall not have been subscribed, the commissioners shall, on the second day thereafter, permit any person or persons aforesaid to subscribe for any number of the shares remaining: *Provided*, That if the subscription on the first and second day should exceed the number of eight thousand shares, the shares of each subscriber shall be reduced in proportion, so however, that no individual shall, without his consent, have his subscription reduced below two shares.*

Commiss'rs.

To open
books for
subscription.

8000 shares.

Proviso.

SECTION 2. When the whole number of shares in the capital stock as aforesaid, shall have been subscribed, and at least five dollars paid on each share, the said commissioners, or any ten of them, shall certify, to the Governor, under their hands and seals, the names of the subscribers and the number of shares by them subscribed, respectively, and the Governor shall thereupon, by letters patent under his hand and the seal of the state, erect and create the subscribers into a body politic and corporate, by the name, style and title of the Washington Insurance company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, demise, alien or dispose of: *Provided*, That the lands, tenements and hereditaments which it shall be lawful for the said company to hold, shall be only such as shall be requisite for its immediate accommodation in relation to its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment which shall have been obtained for such debts, or purchased at sales on judgments of any person or body politic, where the same may be necessary to secure any debt due to the said company, and also to make and have a common seal, and the same break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient, for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.

SECTION 3. The capital stock of the Washington Insurance company shall amount to two hundred thousand dollars, and be divided into eight thousand shares of twenty five dollars each.

SECTION 4. The shares in the capital stock of the said company shall be assignable and transferable, according to such rules as the directors shall make and establish.

SECTION 5. The capital stock of the said company shall be called in and paid at such time and times, and in such

Penalty for neglecting to pay instalments. proportion or proportions as the president and directors shall declare and require, giving at least thirty days previous public notice thereof; and any stockholder or stockholders, his, her or their executors, administrators or assigns, neglecting or refusing to pay all or any part of the sum or sums of money for his, her or their share or shares, in the proportion and at the time and times prescribed, as aforesaid, for the payment thereof, shall forfeit to the use of the company all the money by him, her or them previously paid on account of the share or shares, payment whereof such default shall be made as aforesaid, together with all right, title, interest, profit, emoluments, claim and demand whatsoever, of, in, to or out of the capital stock and funds of the company, and the profits arising, or to arise therefrom, by reason or on account of the share or shares so forfeited.

The capital stock may be invested, & how. SECTION 6. The capital stock and funds of the company may from time to time be invested in the public securities of the United States, or in the stock of any incorporated bank or banks in Pennsylvania, or in the stock of any incorporated institution within this commonwealth, or of other states of the United States, or may be loaned to the state of Pennsylvania with the approbation of a majority of the stockholders, convened for that purpose, or may be loaned on the security of real estate within the state of Pennsylvania.

Relative to securities, & evidences of debt due to the Comp'y. SECTION 7. The public securities aforesaid, and all other evidences of debt or duty owing and belonging to the said company, shall be transferred to and taken in the name of the Washington Insurance company, and all deposits for safe keeping of the monies and securities of the said company, shall be made in any incorporated bank or banks located in the city or county of Philadelphia, in such manner and terms that the same shall always appear to be the property of the company, and shall be subject only to the drafts or orders of their proper officers as such.

Powers of the directors of the Co. SECTION 8. The directors of the company for the time being shall have full power and authority, and they are hereby expressly empowered and authorized, from time to time, to sell, dispose of and transfer, and cause to be sold, disposed of and transferred, all or any of the public or other securities, stock or evidences of debt, or duty in which the capital stock and funds of the company shall be invested as aforesaid; and the proceeds of any such sale, disposition and transfer to re-invest, in the same or in any other of the aforesaid securities and stocks, according to the provisions and regulations aforesaid.

SECTION 9. The affairs of the company shall be managed by thirteen directors, to be chosen by ballot, on the second Monday in January in each and every year hereafter, who shall serve for one year next ensuing their election, and until others are chosen, and no longer: *Provided however*, That nothing herein contained shall prevent the re-election of any or all said directors; the directors shall be chosen by a plurality of votes given, which votes must be given in by the stockholders in person, and not otherwise; no stockholder shall vote unless the stock shall have stood in his or her name at least three months preceding the election, and each share of stock shall be entitled to one vote: *Provided*, No individual shall be entitled to more than ten votes: *And provided*, That previous to the holding of the first general election for directors, the commissioners, or any ten of them, named in the first section of this act, shall be a committee for the purpose of calling, and they are hereby empowered and authorized to call a general meeting of the members of the company, giving ten days previous public notice thereof, for the purpose of electing directors to serve until the second Tuesday in May.

Annual elec-
tion.

Proviso.

2d. Proviso.

3d. Proviso.

SECTION 10. There shall be a general meeting of the stockholders, holden at the office of the company, on the second Monday in January in every year, and any number of stockholders who shall be proprietors of at least five hundred shares of stock, may at any other time call a general meeting of the stockholders upon business interesting to the company, giving at least ten days previous public notice; the stockholders present shall decide upon all questions coming before any general meeting by a plurality of votes, subject always to the regulations hereinbefore specified in the case of election of directors as to votes, and the ratio of voting according to the number of shares; the stockholders, at their general meeting, may make and ordain all necessary and lawful rules and regulations for governing and well ordering the affairs of the company, they shall fix the compensation to be allowed to the president, and they may require from the directors, or any other officer of the company, any information which they may think useful and proper, together with the inspection of any books, papers and documents belonging to the company, with which requisition the directors and officers shall promptly comply.

General
meeting of
the stock-
holders.

SECTION 11. The directors at the time of their elections shall be citizens of Pennsylvania, and resident therein, and they shall serve for one year next ensuing their election and until other directors be chosen; each director at the time of his election, and during his continuance as such, shall be

Directors
shall be citi-
zens of Pa.

President.

the holder of at least two shares of the stock of the company, in his own right; at the first meeting after their election the directors shall choose one of their number as president; and in the case of the death, resignation or inability of the president, or of any director, the vacancy shall be supplied by the board of directors for the remainder of the period only during which such president or director was elected to serve; the directors for the time being, (besides the other powers herein given,) shall and may appoint such officers, clerks and other persons as they may deem necessary and proper for transacting the business of the company, allowing a reasonable compensation for the services of such officers, clerks and other persons, respectively; they shall and may also exercise all such powers and perform all such duties, for the well governing and ordering of the affairs of the said company, as the stockholders, at any general meeting shall declare and prescribe, and they shall prepare and lay before the stockholders, at each and every general meeting, a full and true statement of the affairs of the company.

Powers.

Powers of
the president
& directors.

SECTION 12. The president and directors shall have full power and authority, in the name and on behalf of the company, to make all kinds of marine insurance, all kinds of insurance upon the inland transportation of goods, wares and merchandize, by water or by railway, and to loan money on bottomry and upon respondentia, and generally to do, transact and perform all matters and thing relating to the said objects, subject always to the regulations and restrictions herein contained, and to such regulations and restrictions as the stockholders shall from time to time devise and prescribe; and all policies of insurance, and other contracts and engagements, may be made and entered into on behalf of the company and in pursuance and by virtue of this act, as well with the members of the company, individually, as with other persons, and shall be subscribed by the president of the "Washington Insurance company;" and all losses arising upon any policy so subscribed, shall be adjusted and paid by the president and directors, agreeably to the terms of the policy, out of the joint funds of the company exclusively: *Provided*, That nothing in this act contained shall in any way be construed, to authorize the said company to use the funds of this institution for any purposes other than those of an insurance company.

Proviso.

Meetings.
Quorum.

SECTION 13. The board of directors shall meet at such times and transact the business of the company by such a quorum, as may be provided for by the by-laws.

Dividenda.

SECTION 14. The directors shall, on the first Mondays of January and July in each and every year, declare a dividend

of so much of the profits of the company as to them shall appear advisable, and such dividend shall be paid to the respective stockholders, or to their respective agents, duly empowered, in ten days after declaring the same; but the monies received as premiums or risks, which shall be undetermined at the time of declaring the dividends, respectively, shall not be computed as a part of the profits of the company.

SECTION 15. In case any loss shall at any time happen, by Capital stock which the capital stock of the company shall be diminished, not to be diminished by no dividend shall be made until the amount of such diminution shall be replaced and added to the capital, and any pre-dividends. president and every director consenting to declare and make and pay any dividend, until the diminution is so replaced, shall be accountable for, and pay to the company for their use the amount of the dividend declared and paid, in violation of the prohibition aforesaid.

SECTION 16. This act shall be and continue in force until the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-eight: *Provided*, Continuance of the act. *Proviso.* That for the liquidation and settlement of all the past transactions and accounts of the said company, the corporate powers thereof shall be and continue effectual to all intents and purposes: *And provided further*, That if it shall appear 2d. *Proviso.* that the charter or privileges hereby granted to the said company, are injurious to the citizens of this commonwealth, the legislature shall have full power to alter, annul and repeal this act at any time they may think proper: *And provided further*, 3d. *Proviso.* That the said company shall be subject to such provisions and regulations as the legislature may at any time enact, for taxing the insurance companies of this commonwealth.

SECTION 17. The president and directors of the Spring Garden Fire Insurance company, of the county of Philadelphia, shall have, in addition to their former privileges granted them by charter, full power and authority, in the name and on behalf of the company, to make all kinds of marine insurance, all kinds of insurance upon the inland transportation of goods, wares and merchandize by water or railway, and to loan money on bottomry and upon respondentia: *Provided*, That no marine risk shall at any time exceed fifteen thousand dollars, and all loans on respondentia shall be made with the collaterals of ten per. cent with responsible names as may be required by the board of directors: *And provided further*, That the Philadelphia Fire and Inland Navigation Insurance company, shall have the powers and be subject to the restrictions contained in the supplement, Spring Garden Fire Insurance Co. Additional powers granted thereto. *Proviso.* 2nd *Proviso.* Phila. Fire & Inl'd Nav. Insurance Co.

passed the twenty-sixth day of February, eighteen hundred and thirty-six, to "An act to incorporate the Pennsylvania company for insurances on lives and granting annuities and other purposes."

Atlantic In-
surance Co.
Power
granted to.

SECTION 18. The directors of the Atlantic Insurance company of Philadelphia for the time being, shall have full power and authority to invest the capital stock and funds of said company in any stock or stocks, security or securities of any of the United States or of any city, company or institution now, or that hereafter may be incorporated by the United States or any individual state, or in ground rents, mortgages or other good and sufficient securities in this state whatsoever, as to them may seem most eligible for the said company, and that so much of the act passed on the twenty-third day of February, eighteen hundred and twenty-five, entitled 'An act to incorporate the Atlantic Insurance company of Philadelphia, as is incompatible herewith, be and the same is hereby repealed.

Repeal.

Repeal.

SECTION 19. That so much of the third section of the said act, as prohibits any individual or corporation from holding at the same time either directly or indirectly, more than fifty shares of the stock of said company, be, and the same is hereby repealed: *Provided*, That no individual or corporation shall be entitled to vote for any number of shares he or it may hold beyond fifty shares.

Proviso.

North Amer-
ica Insurance
Co.
Additional
privileges
granted to.

SECTION 20. In addition to the privileges heretofore granted, it shall and may be lawful for the insurance company of North America, to invest their capital stock and other funds in the public stocks or loans of any of the United States, or of any city, company or institution now, or that hereafter may be incorporated by the United States or any individual state, or in ground rents, mortgages or other good and sufficient securities in this state, and the said investment from time to time to alter, change and renew as the interests or circumstances of the company may render expedient.

Name of the
'Berks Co.
Insurance
Co.' changed
to 'Globe In-
surance.
'Trust & An-
nuity Co.&c.
Proviso.

SECTION 21. That the corporate name of "The Berks County Insurance company," be and is hereby changed into "The Globe Insurance, Life Insurance, Trust and Annuity company," and the said company shall have power and authority to establish a branch or principal office in the city or county of Philadelphia, and may, by its by-laws, grade the number of votes to which share holders shall be entitled: *Provided*, That any stockholder shall be eligible as a manager of said company.

SECTION 22. That the act entitled, An act to incorporate the Summit Coal company, be so amended as that the stockholders shall hereafter elect nine directors to manage the affairs of said company, and to enable the company immediately to enjoy the benefit of an increase of the number of managers, it shall and may be lawful for the stockholders, at a special meeting to be called for the purpose, of which ten days notice shall be given by the president or treasurer, in at least two of the public papers printed in the city of Philadelphia, stating the time, place and object of the meeting, to elect as aforesaid four additional managers, to serve until the next annual election.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 54.

An Act

To confer on Sarah Troup, formerly Sarah Hartley, Matilda Hartley, John Hartley, Margaret Hartley, William Hartley, Harrison Hartley, Oliver Hartley and Rufus Hartley, and John Adam Gebhart, the rights and benefits of children born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Sarah Troup, late Sarah Hartley, Matilda Hartley, John Hartley, Margaret Hartley, William Hartley, Harrison Hartley, Oliver Hartley and Rufus Hartley, children of William Hartley, late of Providence township in the county of Bedford, deceased, shall have and enjoy all the rights, benefits and advantages of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock.

Legitimating S. Troup and M. Hartley & others.

SECTION 2. That John Adam Gebhart, of the township of Germantown, in the county of Philadelphia, shall have and

Legitima- enjoy all the rights benefits and advantages of a child born
 ting John A. in lawful wedlock, and shall be able and capable in law to
 Gebhart. inherit and transmit any estate whatsoever, as fully and com-
 pletely, to all intents and purposes, as if he had been born
 in lawful wedlock: *Provided however*, That this act shall not
 be construed to affect any vested right.

LEWIS DEWART,

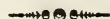
Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand
 eight hundred and thirty-eight.

JOS. RITNER.



No. 55.

An Act

To authorize the administrators of the estate of William Beazel,
 late of the county of Westmoreland, deceased, to make deeds for
 certain real estate, and for other purposes.

Adm'rs of Wm. Beazel authorized to make deeds. *SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the administrators of the goods and chattels of William Beazel, late of the county of Westmoreland, deceased, be, and they, or the survivor of them hereby are authorized and empowered, to execute and deliver good and sufficient deeds of conveyance to the several purchasers of certain town lots, situated within the general plan of the town of Webster on the Monongahela river, in the township of Rostrover in said county, and also for certain out-lots contiguous to the said town of Webster, all which said lots were sold by said William Beazel in his life time, but no titles made therefor: *Provided*, That before any deed shall be made to any purchaser for any lot as aforesaid, the whole of the balance of the purchase money and interest due thereon shall be paid: *And provided further*, That said administrators, before the several balances of purchase money due or becoming due on said lots shall be paid to and received by them, or the survivor of them, they shall give bond, with such security and in such sum as the Orphaus' Court, in and for said county of Westmoreland, may approve, conditioned for the faithful and proper application of

Proviso.

2d. Proviso.

the proceeds of said lots that may come into their hands or possession, and also that said administrators, or the survivor of them, shall settle for the proceeds of the lots aforesaid, in the account of the administration of the goods and chattels of the said decedent.

WHEREAS, Joseph Ball, late of the city of Philadelphia, ^{Preamble re-} was at the time of his death seized of certain real estate, ^{lative to es-} situate in the city and county of Philadelphia: *And whereas,* ^{tate of Jos.} the said estate, on proceedings in partition had in the Or- ^{Ball, dec.} phans' Court of the city and county of Philadelphia, has been sold by order of the said court, and the purchasers, on account of the great number of heirs, representatives and persons interested, are apprehensive that some of them may not have been made parties to said proceedings, nor have had notice thereof: *And whereas,* the title to said estate in the purchasers may, by reason thereof, be subjected to question; now therefore, to remedy all defects of title arising therefrom,

SECTION 2. *Be it enacted by the Senate and House of* ^{Proceedings} *Representatives of the Commonwealth of Pennsylvania, in* ^{confirmed.} *General Assembly met, and it is hereby enacted by the authority of the same,* That the proceedings in partition, in the Orphans' Court of the city and county of Philadelphia, in the case of the said Joseph Ball's estate, be, and they are hereby confirmed, and that the title to the said estate shall be as fully and completely vested in the purchaser or purchasers, under said proceedings, as if all the heirs and representatives of the said Joseph Ball, and all others interested in the said estate, had been made parties to the said proceedings, and had received legal notice of the same.

SECTION 3. That the second and third sections of an act ^{Repeal of} entitled "An act to pay certain claims of this common-^{act relative} wealth, and for other purposes," approved the fourth day of ^{to D. Smetz-} April, Anno Domini one thousand eight hundred and thirty-^{er.} seven, be, and the same is hereby repealed.

SECTION 4. That from and after the first day of April, ^{Sale of un-} Anno Domini one thousand eight hundred and thirty-eight, ^{seated in-lots} it shall be the duty of the burgess and town council of the ^{in the boro'} borough of Beaver, in the county of Beaver, to make out and ^{of Beaver,} deliver annually, to the county treasurer, a list of all the un- ^{authorized.} seated in-lots within the limits of the said borough, with the name of the reputed owner and the amount of borough taxes due thereon, and that it shall be the duty of the said county treasurer to advertise and sell the said in-lots, at the same time and in the same manner he advertises and sells unseated lands for the payment of taxes for county purposes, all in-lots on which taxes have been due and unpaid for more than one year,

Proviso.

and that he, the said county treasurer, shall pay over to the burgess and town council, or their treasurer, the proceeds of such sale, deducting therefrom five per cent. for his trouble; and he is hereby made liable on his official bond for the faithful discharge of his official duties to the borough authorities, aforesaid: *Provided*, That the said sales shall in all respects be governed, as to the right of redemption by the original owner, by the existing laws for the sale of unseated lands for the payment of taxes within this commonwealth.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 56.

An Act

Incorporating the Offerman Railroad and Mining company.

Corporators.

Name&style

Privileges

Seal.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That John Schall, John C. Offerman, Henry Shoemaker, John Shoener, junior, Nicholas E. Thouron, Charles Wharton, junior, Samuel J. Curtis, Hezekiah Busby, James MacCormack, William A. Martin, and Thomas G. Clemson, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the Offerman Railroad and Mining company, and for transacting the usual business of companies engaged in making railroads, and in mining, transporting to market, and selling coal, and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the regulation and management of the said corporation consistent with the laws of the United States and of this commonwealth; generally to do and execute, for the well being of the said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said

company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided*, That each stockholder shall be liable, ^{2d. Proviso.} in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholders, so that the whole capital stock of the company, whether paid in or not, shall be liable for the said debts and contracts.

SECTION 2. The said company shall have the right to hold ^{Right to hold} two thousand acres of land at any one time, in not more ^{2000 acres} than ten tracts, and their land shall lay in Norwegian and ^{of land.} Barry townships, near the Great Falls of the West Branch of Schuylkill, and in the county of Schuylkill, and from ten to eleven miles from a landing which is called Schuylkill Haven, in the said county of Schuylkill, in the commonwealth of Pennsylvania, and in no other county or township; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provided* ^{Proviso.} *however*, That the company may hold, as above, such lot or lots of land, not exceeding three acres in any one place, as may be found convenient, as places of deposit in the transportation and sale of the products of their mines: *And Provided further*, That the said company shall not ^{2d Proviso.} prevent any person or persons, company or companies hereafter incorporated, being the owner or owners of land bordering on the said railroad or adjacent thereto, from making lateral railroads, and to connect them with said railroad from their said lands, as the said person or persons, company or companies, may conceive necessary, for the purpose of transporting their coal and produce upon the said road, subject to the payment of the same rates of toll now charged by the Mine Hill and Schuylkill Haven Railroad, by virtue of the sixth section of the supplement to their act of incorporation, passed on the twenty-third day of March, Anno Domini one thousand eight hundred and thirty-two: *Provided*, That the ^{3d Proviso.} turn-outs for such lateral roads shall be so constructed and kept, so as not to interfere with the use of the main road, and all cars or wagons, run upon the same, shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

SECTION 3. The capital stock of said company shall consist of three hundred and fifty thousand dollars, and shall be ^{Capital stock.} divided into seven thousand shares of fifty dollars each,

How to be
employed.

which capital shall only be employed in making a railroad, and in the purchasing and holding the lands aforesaid, with the improvements, if any thereon, and constructing such other improvements, buildings, cars, boats, engines and machinery, as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures, as shall be requisite for the aforesaid purposes of the company, and said stock shall be assignable and transferable, according to such rules as the board of directors shall establish.

Entry
upon lands
regulated.

Compensat'n

How ascer-
tained.

Proviso.

2d Proviso.

Corporators
shall open
books for
subscriptions
&c.

SECTION 4. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever, employed by or under them or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said road, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road, until the rate of compensation for injury sustained, or to be sustained by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the same manner as is prescribed and provided for in the fifteenth section of the act of the sixth of April, Anno Domini eighteen hundred and thirty, incorporating the Middleport and Pine Creek Railroad company: *Provided*, That this act shall not be so construed as to prohibit the aforesaid president, directors and company, by themselves, their engineers, agents or other officers, from entering upon any land or lands for the purpose of exploring, examining, surveying, laying out and locating the said road, with as little damage as may be to the lands or premises which may be thus entered upon for said purpose: *Provided*, That the railroad contemplated by this act, shall commence at the present termination, of the Mine Hill and Schuylkill Haven Railroad, and shall in no case run parallel therewith: *Provided further*, That the said Mine Hill and Schuylkill Haven Railroad company shall give their consent thereto.

SECTION 5. That before the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr. Nicholas E. Thouron, Charles Wharton, jr. Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin and Thomas G. Clemson, shall claim the benefits and advantages of this act, they shall open books to receive subscriptions to the

stock of said company, consisting of at least one thousand shares of fifty dollars each, and not exceeding seven thousand shares; and whenever one thousand shares of said stock are subscribed, and five dollars on each share actually paid, then the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr., Nicholas E. Thouron, Charles Wharton, jr., Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin, and Thomas G. Clemson, or any two of them, shall certify the same under oath or affirmation to the Governor of this commonwealth, who shall thereupon, by letters patent under his hand and the seal of the state, create and erect the said John Schall, John C. Offerman, Henry Shoemaker, John Shoener, jr., Nicholas E. Thouron, Charles Wharton, jr., Samuel J. Curtis, Hezekiah Busby, James McCormack, William A. Martin and Thomas G. Clemson, and their associates, successors and assigns, into one body corporate, by the name and style of the Offerman Railroad and Mining company.

Letters
patent.Name and
style.

SECTION 6. The affairs of the company shall be managed by nine directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after the letters patent aforesaid shall have been issued, of which election public notice shall be given by the said corporation, named in the first section of this act, at least two weeks previously thereto, in one or more daily newspapers printed at Philadelphia, and one in Schuylkill county; and the subsequent election shall be held annually at such convenient time and places as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months or until such election shall be held.

Annual
election.

Proviso.

SECTION 7. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; and for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in

Ratio of
votes.

his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eight day of March, one thousand eight hundred and twenty, entitled an act to regulate proxies.

Proxy.

SECTION 8. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers, and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election; at all meetings of the board five directors shall form a quorum to transact business.

President.

Other officers.

Quorum.

Penalty for neglecting to pay instalments.

SECTION 9. The directors may from time to time call in, on thirty days notice thereof, in at least one daily newspaper printed in Philadelphia, and at least one paper printed in Schuylkill county, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any time and place appointed; and if any instalment on the stock so called in, shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Forfeiture.

Proviso.

Dividends.

SECTION 10. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders or their

legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett capital stock, and shall never thereby be impaired ; and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to the company for the amount of stock so divided, and each director present when dividends shall be declared, shall be adjudged to be consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend : *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends, into the treasury of the state, for purposes of education, and the president of said company shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

SECTION 11. This act shall continue and be in force until the first day of January in the year of our Lord one thousand eight hundred and fifty-eight, and the legislature reserve the right to alter, amend and repeal the privileges hereby granted, at any time the interests of the community appear to require the same. Continuance
of this act.

SECTION 12. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof. Service of
process.

SECTION 13. That the said railroad shall be commenced within two years and completed within seven years after the passage of this act. Time to com-
mence and
complete.

LEWIS DEWART,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

I do certify, that the bill entitled An act incorporating the Offerman Railroad and Mining company, which has been disapproved by the Governor, and returned with his objections to the Senate, in which it originated, was passed by two thirds of the Senate, on the tenth day of April one thousand eight hundred and thirty-eight, and that the foregoing is the act so passed by the Senate.

CHARLES B. PENROSE,
Speaker of the Senate.

ATTEST—GEO. W. HAMERSLY,
Clerk of Senate.

I do certify that the bill entitled An act incorporating the Offerman Railroad and Mining company, which has been disapproved by the Governor, and returned with his objections to the Senate, in which it originated, was approved by two thirds of the House of Representatives on the eleventh day of April, one thousand eight hundred and thirty-eight, and that the foregoing is the act so approved by the said House.

LEWIS DEWART,

Speaker of the House of Representatives.

ATTEST—FR. R. SHUNK,

Clerk of the House of Representatives.



No. 57.

A Supplement

To an act to consolidate and amend the several acts relative to a General System of Education by Common Schools, passed the thirteenth of June, one thousand eight hundred and thirty-six.

Increase of
annual ap-
propriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of one hundred and eight thousand nine hundred and nineteen dollars, be, and the same is hereby added to the annual Common School appropriation, for the school year which will commence on the first Monday of June, eighteen hundred and thirty-eight; and such sum annually thereafter as will make the amount of appropriation equal to one dollar for each taxable citizen in the commonwealth; said increased appropriation to be distributed and paid out in the manner directed by the act to which this is a supplement, without any increase of taxation beyond the amount therein named.

Without in-
crease of
taxation.

\$103,919
to be paid
out of the
interest of
the Surplus
Revenue.

SECTION 2. Said sum of one hundred and eight thousand nine hundred and nineteen dollars, shall be paid by the State Treasurer, out of the interest of the surplus revenue, which was ordered to be added to the fund for the support of Common Schools within this commonwealth, by the fourth section of the act entitled An act for the temporary disposition of the portion of the Surplus Revenue of the United States, to be deposited with Pennsylvania, passed the twenty-seventh day of February, eighteen hundred and thirty-

seven; and after the expiration of the school year, which will commence on the first Monday of June, eighteen hundred and thirty-eight, the amount necessary to raise the state appropriation to a sum equal to one dollar for each taxable citizen in the commonwealth, shall be annually paid out of any money in the treasury not otherwise appropriated. Annual appropriation increased to \$1 for each taxable.

SECTION 3. It shall be the duty of the commissioners of each county in the state, triennially, to ascertain, with the assistance of the respective assessors, the exact number of the resident taxable citizens of each Common School district in their several counties, and to certify the same under their hands and seal of office, to the Superintendent of Common Schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of distribution of the state appropriation; the said certificates to be prepared and transmitted on or before the first day of April, in every third year, commencing with the first day of April eighteen hundred and thirty-nine: *Provided*, That if the commissioners of any county shall neglect to forward such certificates on or before said day, the Superintendent may, in that case, adopt the numbers of taxables set forth in the next preceding certificate or return. Triennial enumeration of taxables. How made. When sent. Proviso.

SECTION 4. To encourage the Arts and Sciences, promote the teaching of useful knowledge, and support the Colleges, Academies and Female Seminaries within this commonwealth, there hereby is appropriated and shall annually be paid to the said Colleges, Academies and Female Seminaries, in equal quarterly payments, the sums following to wit: to each University and College now incorporated, or which may be incorporated by the legislature, and maintaining at least four professors, and instructing constantly at least one hundred students, one thousand dollars; to each Academy and Female Seminary, now incorporated, or which may be incorporated by the legislature, maintaining one or more teachers, capable of giving instruction in the Greek and Roman classics, mathematics, and English, or English and German literature, and in which at least fifteen pupils shall constantly be taught in either or all of the branches aforesaid, three hundred dollars; to each of said Academies and Female Seminaries, where at least twenty-five pupils are taught as aforesaid, four hundred dollars; and each of said Academies and Female Seminaries, having at least two teachers, and in which forty or more pupils are constantly taught as aforesaid, five hundred dollars; but no Academy in any city or county of the state where a University or College is established, and receiving the appropriation made by this act, shall be entitled to receive the appropriation Appropriation to Colleges, Academies and Female Seminaries. Act to continue in force 10 years.

made by this act for the benefit of Academies ; this section to continue in force for ten years and no longer.

SECTION 5. That the medical department of the Jefferson College, be, and hereby is created a separate and independent body corporate, under the name, style and title of "The Jefferson Medical College of Philadelphia," with the same powers and restrictions as the University of Pennsylvania; the present additional trustees, chosen in pursuance of an act entitled "An act supplementary to the act entitled An act for the establishment of a College at Canonsburg, in the county of Washington, in the commonwealth of Pennsylvania," passed the seventh of April, one thousand eight hundred and twenty-six, to be trustees of the College created by this section, with power to increase their number to fifteen.

SECTION 6. The directors of the several Common School districts shall have power to appoint collectors of the common school tax, without requiring bond or other security; and if the proper collector of county rates and levies for the time being, shall be appointed for that purpose, it shall be his duty to serve: *Provided*, That the person, so appointed without bond or other security, shall own a clear freehold estate, which, in the opinion of said directors, shall be a sufficient security for the faithful performance of his duties as collector.

SECTION 7. If the proper collector of county rates and levies shall be appointed collector of the school tax as aforesaid, and shall neglect or refuse to serve; or if he, or any other person, having been appointed and taken upon himself the duties of his office, as school tax collector, shall fail to fulfil and complete the performance of said duties, in either case, the person thus refusing or failing shall forfeit and pay the sum of twenty dollars, to be recovered before a justice of the peace or alderman, at the suit of the president of the proper board of directors, for the use of the district, as debts of a similar amount are now recoverable, without stay of execution: *Provided*, That no person who shall have served as collector of school tax shall be appointed or chosen for a second time, without his consent, for the term of ten years.

SECTION 8. It shall be the duty of the secretary of the board of directors, within three months from the actual delivery of the warrant and duplicate of school tax to the collector appointed in pursuance of the provisions of this act, to file a certificate, signed by the president of the board, and attested by the secretary, in the office of the prothonotary of the court of Common Pleas of the proper county, stating the amount due and unpaid by the said collector; and it shall

be the duty of the prothonotary forthwith to enter the same on his docket, which certificate shall from such entry, have effect of a the same operation and effect as a judgment of said court, judgment. and executions may be issued thereon in like manner as on judgments, for the amount remaining unpaid, at any time after the entry aforesaid.

SECTION 9. No person shall be re-appointed collector of Former da-school tax, who shall not have paid over the whole amount of plicates to be his former duplicate. settled.

SECTION 10. It is hereby declared to be the duty of the Co. Com'rs. commissioners of the several counties of this commonwealth, to furnish to procure a return of the amount and value of the personal list of perso-property made taxable by the act of twenty-fifth of March, nal property. eighteen hundred and thirty-one, according to the provisions of said act, for and within each school district in their respective counties, and to cause a copy of the same to be delivered to the president of the proper boards of directors, on or before the first day of April annually, in order to enable the directors to carry into effect the second paragraph of the third section of the act to which this is a supplement; which personal property shall annually be assessed by the said directors, at the same time and at the same rate as the real estate within their respective districts, for Common School purposes. Which shall be taxed in same manner as real.

SECTION 11. If any person who may be or has been elected a school director, shall refuse to attend a regular meeting of the proper board, after having received written notice to appear and enter upon the duties of his office; or if any person having taken on him the duties of his office as director, shall neglect to attend any two regular meetings of the board in succession, or to act in his official capacity when in attendance, the directors present shall have power to declare his seat in the board vacant, and to appoint another in his stead, to serve till the next regular election; and if the whole board should decline or refuse to serve, then a new board shall be elected, in the manner described in the second section of the act to which this is a supplement, on notice put up for two weeks, at six public places in the proper district, by any ten qualified voters of the district; the directors thus elected to be classed, and to hold their offices for the terms mentioned in the third section of the said act; returns of all Common School elections hereafter held, shall be made to the court of Quarter Sessions of the proper county, at the next term succeeding such elections respectively; and said court is authorized and required forthwith to examine all cases of contested or informal elections, and to decide them according to law; and in case any election shall be set aside, to order a new election. Mode of vacating the seats of negligent directors. Of filling them. Returns of all C.S. elections. Trial of contested elections. New elections.

election at the usual place, on not less than two weeks notice by the proper officer.

C. Schools SECTION 12. From and after the passage of this act, the Common School system may be discontinued or rejected in any accepting district, by a clear majority of the votes polled at a triennial meeting of the taxable citizens of the proper district, which meeting shall, in all other respects, be conducted in the manner pointed out in the thirteenth section of the act triennially. to which this is a supplement.

Schools maintained by religious societies.

Proviso.

SECTION 13. When a free school of the Common School grade, shall hereafter be maintained in any accepting school district, under the care and direction of a religious society, it shall be lawful for the school directors of such district to cause to be paid to the proper person or persons, for the support of such school, any portion of the school money not exceeding the rateable share of the taxable inhabitants whose children or apprentices shall be taught in such school: *Provided*, That the directors shall be satisfied that such application of the money would not, upon the whole, be injurious to the Common Schools of such district.

Powers of primary committees may be enlarged.

With consent of directors.

SECTION 14. It shall be the duty of any committee that has been, or that may hereafter be chosen, agreeably to the ninth article of the eighth section of an act passed the thirteenth day of June, Anno Domini eighteen hundred and thirty-six, entitled "An act to consolidate and amend the several acts relative to a General System of Education by Common Schools," to attend to all the local concerns of the respective sub-districts in which said committee shall be chosen, such as visiting the schools under their charge, providing fuel, repairing school houses; and the expenses of all such necessary repairs, fuel, &c., shall be paid by the school directors of the several districts, as already provided for by law: *Provided*, That the said committee be directed by the board of directors to perform the said duties.

Court to appoint directors in certain cases.

SECTION 15. If any school director of any school district where the school law has been accepted, shall refuse or neglect to do his duty, by levying the tax required by law, and putting the schools in proper operation, the directors or director willing to perform their duties, shall declare the office of such delinquent directors vacant, and appoint substitutes; and in case all said directors shall thus decline or refuse to do their duty, the court of Quarter Sessions shall declare their offices vacant, and appoint substitutes.

SECTION 16. In every non-accepting district of this commonwealth in which the question of accepting the Common School system was not voted upon on the proper day for

voting on such question, in eighteen hundred and thirty-eight, Special elec-
 for want of due notice, or for any other cause; and in every tion to ac-
 district in which said question of acceptance was submitted and cept system
 voted on at the proper time in said year, but the election in certain ca-
 afterwards set aside by reason of informality; and also in ses, on 4th
 townships, wards or boroughs, formed after the regular day June, 1838.
 aforesaid, out of townships, wards or boroughs, or parts
 thereof, which had been previously non-accepting districts, it
 shall be lawful for the directors of such district or districts, or
 for any ten qualified voters thereof, to give notice, in accord-
 ance with the first part of the act to which this is a supple-
 ment, for an election to be held on the first Monday of June,
 eighteen hundred and thirty-eight, and if the majority of votes
 polled at the said election be in favor of accepting the Common
 School system, said system shall be as fully accepted as if the
 question had been so determined on the day directed by the Powers of
 act to which this is a supplement; and upon such acceptance, directors in
 the board of directors, and all others connected with the such cases.
 Common School system, in the proper district, shall be au-
 thorized to do and perform, within twenty days from and after
 said first Monday of June, all the acts and things necessary to
 the operation of the Common School system, which should
 have been done and performed on or before said first Monday
 of June.

SECTION 17. In each of the new districts mentioned in the Sp'l. election
 section next preceding hereto, the qualified voters shall also for Dir's on
 elect six directors, the election for whom shall be conducted 4th June, '38
 in the same manner as the election for the acceptance of the in new dis'ts
 Common School system under the thirteenth section of the
 act to which this is a supplement; and the directors thus Subsequent
 elected shall be classed in the manner, and shall hold their elections in
 offices for the terms described in the second section of the such dis-
 said act: *Provided*, That all subsequent elections for directors tricts.
 in said new districts, shall be held in the manner and at the
 time described in the second section of said act.

SECTION 18. The Superintendent of Common Schools shall Supt. of C.
 decide whether the Colleges, Academies and Female Semina- Schools to
 ries entitle themselves to the annuity provided by this act, decide cases
 in case of any difficulty on that subject in the mind of the of difficulty.
 State Treasurer.

SECTION 19. The Superintendent of Common Schools shall Salary of
 be allowed a salary of five hundred dollars per annum, pay- Supt. of C.
 able quarterly, to commence with the present school year. Schools.

SECTION 20. All laws or parts of laws relative to the Com- Repealing
 mon School system, which are inconsistent with the provisions section.
 of this act, are hereby repealed.

Copy to be sent to directors and Commissioners. SECTION 21. Immediately after the passage of this act, the Superintendent shall prepare and forward a copy of it to the president and secretary of each board of directors, and to the commissioners of each county in the state.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—the twelfth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 58.

An Act

To incorporate the Hebrew Society for the visitation of the sick and mutual assistance, and for other purposes.

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same* That Hyman Polock, Isaac B Phillips, Morris Isaacson, Joseph M. Asch, Isaac Hyneman, Abraham Abrahams, Aaron M. Asch, Jacob De Wolf, G. Drucker, Isaac Garretson, Joseph M. Goldsmit, Levi M. Goldsmit, J. C. Hackenburg, Elias Hyneman, Leon Hyneman, Aaron Isaacs, Solomon Isaacs, Abm. E. Israel, Isaac Leeser, Aaron Levy, Isaac J. Levy, A. Mailart, Simpson Morris, Joseph Myers, Daniel Nathans, Isaiah Nathans, Philip Nathans, A. C. Peisotto, David Pesoa, Solomon Polock, Michael Reinhard, Edward Roget, P. S. Rowland, Joseph Schoman, Moses Semon, Daniel Solis, Mordecai Spanier, Morris Spyer, M. A. Van Collem, H. J. Weil, Jonathan Zachariah, and all and every other person or persons who shall hereafter become members of the Hebrew Society for the visitation of the sick and mutual assistance, be, and they are hereby created and made a corporation or body politic and corporate, by the name and style of the Hebrew Society for the visitation of the sick and mutual assistance, and by that name shall have perpetual succession, and be capable in law to take hold and dispose of estates, real and personal, whatsoever, and to sue and be sued, and to receive and make all deeds, transfers, contracts,

Name and style.

Powers.

conveyances and covenants whatsoever, and to make, have Seal.
and use a common seal, and the same to change and renew
at pleasure, and generally to do every other act or thing ne-
cessary to carry into effect the provisions of this act, and
promote the objects and designs of the said corporation.

SECTION 2. The object and designs of the said corpora-Object and
tion shall be the visitation of the sick of the Jewish persua-Object and
sion, the mutual assistance of the members of the said cor-Object and
poration, and such other acts of charity or benevolence as
they may, from time to time, direct by their constitution or
by-laws.

SECTION 3. The constitution and by-laws of the said Constitution.
society, now in force, or which they may hereafter legally
adopt, shall be the rules and regulations of the said corpo-
ration.

SECTION 4. In case of any omission to hold a stated Omission to
meeting, or to elect officers, the corporation shall not on that elect officers
account be dissolved, but the officers in office shall hold their not to dis-
offices until new ones are duly elected. solve the soc.

SECTION 5. The legislature shall have power, at any time The legisla-
when the privileges hereby granted shall appear injurious to ture may re-
the public, to repeal, alter or amend this act, but no such sume the
repeal, alteration or amendment shall affect any engagement privileges
to which the said corporation shall have become a party, pre- granted.
vious thereto; and in case of such repeal, the said corpora-
tion shall have a reasonable time to bring their accounts to
a final settlement and termination.

SECTION 6. The said society shall not, at any time, have, Income limi-
hold, enjoy or receive a clear yearly income exceeding three ted to \$3000
thousand dollars. per annum.

WHEREAS, a number of the agriculturalists have associa- Preamble re-
ted together for the purpose of establishing a permanent lative to the
market, for the sale of hay and straw, in the district of the FarmersHay
Northern Liberties of the city of Philadelphia, and having and Straw
purchased a lot of ground in the said district and erected Market As-
suitable buildings for their accommodation thereon, are desi- sociation.
rous of being incorporated; Therefore.

SECTION 7. That the persons who now constitute the Name&style
Farmers' Hay and Straw Market Association, and those who
shall hereafter be admitted members of the same, shall be,
and are hereby declared to be a body politic and corporate,
by the name and style of the "Farmers' Hay and Straw
Market Association," to have succession, to plead and be
impleaded, to sue and be sued in all courts of record or
elsewhere, and be capable to take hold, and enjoy lands,
tenements and hereditaments, goods and chattels, and the
same from time to time to sell, grant, demise, alien and dispose

of, to use a common seal, and to alter and renew the same at pleasure : *Provided*, That the clear value of the real estate held by them shall at no time exceed the sum of one hundred and fifty thousand dollars : *And provided further*, That the buildings erected upon the said lands shall conform to the laws and ordinances of the district wherein situated.

Officers to be elected annually. SECTION 8. The officers of the said corporation shall be such as the said corporation may think necessary, who shall be elected annually, or otherwise, as the rules and by-laws of the corporation may direct.

Powers. SECTION 9. The said corporation when convened, upon due notice given to the members by public advertisement or otherwise, shall have power and authority to make, ordain and establish such and so many rules, by-laws and ordinances, relating to the times of meeting, the admission of members, the powers and duties of the officers thereof, and the ordering of the other concerns of the said corporation, as they may deem necessary and proper : *Provided*, That no rule, by-law or ordinance as aforesaid, shall be valid if inconsistent with the constitution and laws of this state or of the United States.

Proviso. SECTION 10. The president and officers of the said association, shall continue in their respective stations until an election shall be made under this act, and the rules, by-laws and ordinances now in force, not inconsistent with the constitution and laws of this state or of the United States, shall be good and valid, until altered, amended or abrogated by the corporation, and the said company shall not buy or sell any hay or straw, directly or indirectly, for the benefit of said company, nor any other article of personal or real property, not absolutely necessary for the purposes of this incorporation.

Officers and by-laws continue until changed. SECTION 11. The legislature reserves the right of altering, repealing or revoking the privileges hereby granted, and the said company shall be subject to such general laws as the legislature may at any time enact, for taxing incorporated companies in this commonwealth : *Provided*, That the said company shall not have the power to prevent any street or streets, or water course, from passing through their lands.

Legislature may revoke privileges granted. SECTION 12. The legislature reserves the right of altering, repealing or revoking the privileges hereby granted, and the said company shall be subject to such general laws as the legislature may at any time enact, for taxing incorporated companies in this commonwealth : *Provided*, That the said company shall not have the power to prevent any street or streets, or water course, from passing through their lands.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 59.

An Act

Empowering the Burgess and Town Council of the borough of Erie, in the county of Erie, to borrow money, and to supply the said borough with water, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the au-* Erie borough
thority of the same, That the burgess and town council of authorized
 the borough of Erie, in the county of Erie, be empowered to borrow
 on the credit of the said corporation, and for the use of the \$50,000.
 same, to borrow any amount of money, not exceeding at any
 one time the sum of fifty thousand dollars, from any bank,
 corporation, co-partnership, association, company, individual
 or individuals.

SECTION 2. That the burgess and town council of the Erie borough
 borough of Erie, in the county of Erie, be, and they are to be sup-
 hereby authorized and empowered to adopt and take all plied with
 proper and necessary measures and make all necessary water.
 contracts for supplying said borough with a sufficient
 quantity of water for the extinguishment of fires there-
 in, and for the use of the inhabitants thereof, from such
 stream or streams, spring or springs in the vicinity of
 said borough, as shall appear to them most expedient and to
 make and keep in repair all necessary reservoirs and make
 all necessary rules, regulations and ordinances, for the pre-
 servation and use of the same, allowing the inhabitants
 the use of said water on such terms and conditions as shall
 be most expedient and conclusive to the general good of said
 borough.

SECTION 3. It shall be lawful for said burgess and council
 their officers, engineers and agents to enter upon any lands Authority to
 necessary for the purpose of surveying and locating the enter upon
 route, for conducting said water to the proper point or lands.
 points in said borough, and placing down the necessary
 pipes or conductors, and to thereafter repair, improve or en-
 large the same, and to take and hold possession of so much
 land as shall be required for constructing reservoirs and keep-
 ing the same in repair.

SECTION 4. When said burgess and council cannot agree
 with the owner or owners of such required land for the

Mode of estimating damages. purchase thereof, or with persons claiming to have sustained damage by reason of any thing done under the authority of this act, or when, by reason of the legal incapacity of any such owner or owners or person damaged, no such purchase or agreement can be made, the court of Quarter Sessions of Erie county, shall, on the application of either party, take the same measures for ascertaining and enforcing payment of the value of such land or amount of damage done as is prescribed by the laws of the commonwealth in case of private roads: *Provided*, That no compensation or damage shall be allowed, unless the proper proceedings for ascertaining the amount thereof be instituted within one year after the land shall have been taken or damage done, saving to orphans and insane persons, one year after their disability shall be removed, to institute their proceedings for the purpose aforesaid.

In lots and out-lots of Erie, Waterford, Beaver, Franklin and Warren to be appraised by commiss'rs. SECTION 5. That the county commissioners of the counties of Erie, Beaver, Venango and Warren, are hereby, respectively, constituted a board of appraisers, and are required, respectively, to appraise all the in-lots and out-lots in the towns of Erie, Waterford, Beaver, Franklin and Warren, on which any purchase money is due to the commonwealth, and make out a list of such lots as soon as conveniently may be, and return the same, properly certified under their hands and official seals, to the Secretary of the Land Office of Pennsylvania, on or before the first day of July next, placing opposite each in and out-lot the rate fixed to said lot, respectively, distinguishing in said list the in-lots from the out-lots.

To be valued rateably. SECTION 6. All out-lots, valued by said commissioners at more than forty dollars per acre, shall be rated number one; all out-lots, valued at more than twenty and less than forty dollars per acre, shall be rated number two; all out-lots, valued at more than ten and less than twenty dollars per acre, shall be rated number three; and all out-lots, valued at less than ten dollars, or at ten dollars per acre, shall be rated number four; *Provided*, That in making such valuation the value of buildings shall not be included.

In-lots to be valued rateably. SECTION 7. All in-lots, valued by said commissioners at more than one hundred dollars per lot, shall be rated number one; all valued at less than one hundred and more than seventy dollars per lot, shall be rated number two; all valued at more than forty and less than seventy dollars per lot, shall be rated number three; and all valued at forty or less than forty dollars per lot, shall be rated number four; and in making said valuation the buildings erected thereon shall in like manner be excluded.

SECTION 8. All such in-lots and out-lots, rated number one, shall pay the original purchase money and full interest; ^{Relative to inst'ts. on the purchase money.} all rated number two, shall pay the original purchase money and four and an half per cent. interest; all rated number three, shall pay the original purchase money and three per cent. interest, and all rated number four, shall pay no interest and patents shall issue for said lots, on paying as aforesaid, with the patenting fees as now required by law for town lots.

SECTION 9. Before making the appraisement and valuation, as aforesaid, the said commissioners, shall be severally ^{Commiss'rs to be sworn or affirmed.} sworn or affirmed "that they will justly and impartially appraise the property aforesaid, at its bona fide cash value, and make a true return thereof to the land office by the rates aforesaid," and a majority of each board of commissioners shall view the property so to be appraised, unless they are otherwise well acquainted with the value thereof.

SECTION 10. On the requisition of the board of county ^{Secretary of the Land Office to furnish lists of the in or out-lots.} commissioners of said respective counties, the Secretary of the Land Office is hereby required to furnish them with such lists of in and out-lots in said towns, as will enable the said commissioners to ascertain on which lots purchase money is due to the commonwealth, and as soon as the commissioners shall have made the appraisement as heretofore required in addition to the list directed to be furnished to the land office they shall file a similar list in the office of said county commissioners, for the inspection of such persons as shall desire to see and examine the same.

SECTION 11. This law shall continue in force till the tenth day of April one thousand eight hundred and forty and no longer, and such laws of this commonwealth as are hereby ^{Continuance of the law &c.} altered or supplied, be, and the same are hereby repealed.

SECTION 12. That the commissioners of Perry county are ^{Claim of W. Lackey Esq. Sheriff of Perry Co. to be adjusted.} hereby authorized to settle and adjust the claims of William Lackey Esq. Lackey, Esq., late sheriff of that county, upon such principles as they may deem just and equitable, for keeping and maintaining insolvent debtors in the jail of said county, and issue their warrants or checks on the county treasurer for any balance found due to him.

LEWIS DEWART;

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER

No. 60.

An Act

To establish an Academy at Brookville, in the county of Jefferson, and for other purposes.

Brookville
Academy es-
tablished &
incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be and hereby is established in the town of Brookville, in the county of Jefferson, an Academy or public school for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Brookville Academy, under the care and direction of six trustees, who and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the Trustees of the Brookville Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels and monies of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary, and to have and use one common seal, and the same to alter or renew at pleasure, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering of the affairs thereof.

Election of
trustees.

SECTION 2. The first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and thirty-eight, and on the same Friday thereafter, annually, in the court house in said town of Brookville, and the said election shall commence at the hour of one o'clock, P.M., and continue until five o'clock P.M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election; no person shall be allowed to be a trustee or to vote unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of three dollars; the votes shall be

given by ballot and each ticket shall be labelled on the outside 'Trustees of Brookville Academy,' and at the first election shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected; the managers shall certify the result of the election to each person so elected; as soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes of two each; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of monies received by him.

Trustees to
be divided
into three
classes.

Powers.

Quorum.

President,
secretary &
treasurer.

SECTION 5. The treasurer shall receive and hold all monies belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind before the auditors of the county of Jefferson, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled, and any balance found due the institution shall be entered of record, and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal; every trustee or treasurer who shall neglect or

Treasurer's
duties.

Penalty for refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees) in the name of said corporation, one half to be recovered for the use of the academy, and the other half for the use of the prosecutor.

Property vested in the corporation. SECTION 4. Any and all property or money which may have heretofore been granted, or in any wise directed by the owner thereof to be appropriated to the use of the institution hereby established, is hereby vested in said corporation.

Names of trustees appointed. SECTION 5. C. A. Alexander, Thomas Hastings, John J. Y. Thompson, Levi G. Clover, John Pearce, Richard Arthurs, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected.

\$2000 appropriated. SECTION 6. The Treasurer of this Commonwealth be and he is hereby authorized and required to pay to the treasurer of the Brookville Academy, in the county of Jefferson, the sum of two thousand dollars, out of any money in the treasury of this commonwealth, to be applied towards erecting a suitable building or buildings, and for purchasing the necessary library, mathematical, geographical and philosophical apparatus, for the use of said academy, at the discretion of the trustees thereof, and the said trustees shall have power to loan any part thereof, not immediately required for the purpose aforesaid, at interest not exceeding six per cent. per annum, payable semi annually, or oftener, for any term not exceeding four years, secured by bonds with undoubted security, with mortgage upon real estate of at least double the value of the sum loaned; such bonds and mortgage and surety to be first approved by the court of Common Pleas of said county: *Provided*, That before said money shall be paid to the treasurer of said academy, the Treasurer of this Commonwealth shall have received a certificate from the judges of said county, certifying that the treasurer of said academy has given the security required by this act, as well for the sum hereby granted as for other funds of the said institution, and also certifying that property or funds, to the value of at least one thousand dollars, have been contributed to the use of said institution for one or more of the purposes aforesaid.

Proviso.

Coudersport Academy,
Potter co

SECTION 7. The Treasurer of this Commonwealth be, and he is hereby authorized and required to pay to the treasurer of the Coudersport Academy, of Coudersport, in the county of Potter, the sum of two thousand dollars, out of any money in the treasury of this commonwealth, to be applied

towards erecting a suitable building or buildings, and for \$2,000 ap-
 purchasing the necessary library, mathematical, geographical and philosophical apparatus, for the use of said academy, at the discretion of the trustees thereof, and the said trustees shall have power to loan any part thereof, not immediately required for the purpose aforesaid, at interest not exceeding six per cent. per annum, payable semi-annually, or oftener, for any term not exceeding four years, secured by bond with undoubted security, with mortgage upon real estate of at least double the value of the sum loaned, such bond and mortgage and surety to be first approved by the court of Common Pleas of said county: *Provided*, That before said money shall be paid to the treasurer of said academy, the Treasurer of this Commonwealth shall have received a certificate from the judges of said county, certifying that the treasurer of said academy has given the security required by the act establishing said academy, as well for the sum hereby granted as for other funds of the said institution, and also certifying that property or funds to the value of at least one thousand dollars have been contributed to the use of said institution, for one or more of the purposes aforesaid.

Proviso.

SECTION 8. That there shall be and hereby is established Tuscarora Academy in Tuscarora Valley, at or near the Stone church, in the county of Juniata, an academy or public school for the education of youth in the English language, and in the useful arts, sciences and literature, by the name, style and title of "The Tuscarora Academy," under the care and direction of nine trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of "The Tuscarora Academy," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels, and monies of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering of the affairs thereof.

SECTION 9. And the first election of trustees shall take place on the first Monday in May, in the year one thousand

Election
trustees.

eight hundred and thirty-nine, and on the same Monday thereafter, annually, at the church in said Tuscarora Valley, and the said elections shall commence at the hour of one o'clock, P. M., and continue until five o'clock P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote who may be present at the time of commencing said election; no person shall be allowed to be a trustee or to vote unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of one dollar; the votes shall be given by ballot, and at the first election, each ticket shall be labelled on the outside "Trustees of the Tuscarora Academy," and shall contain the names of nine persons, and the nine persons having the greatest number of votes and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected; the managers shall certify the result of the election to each person so elected; as soon as convenient after the election the said trustees, shall, by lot, divide themselves into three classes of three each; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but three trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent, with the constitution and laws of the United States or the constitution and laws of this commonwealth; and six of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of monies received by him.

Trustees to be divided into three classes.

Powers.

Quorum.

President, Secretary and Treasurer.

Treasurer's duties.

SECTION 10. The treasurer shall receive and hold all monies belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary or by a majority of trustees, and he shall keep fair

accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind, before the auditors of the county of Juniata, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled; and any balance found due the institution shall be entered of record and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal; every trustee or treasurer who shall neglect or refuse to exhibit his books, accounts and vouchers as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees) in the name of said corporation, one half to be recovered for the use of the academy and the other half for the use of the prosecutor.

Penalty for neglect.

SECTION 11. That Dr. Thomas Whiteside, John Patterson, jr., Robert Patterson, McKnight Williamson, John Beal, William H. Patterson, William Curran, Joseph Kelly, and James Galbraith, are hereby appointed trustees of said corporation until their successors shall be elected.

Names of trustees appointed.

SECTION 12. The Treasurer of this Commonwealth be, and he is hereby authorized and required to pay to the treasurer of the Tuscorara Academy, in the county of Juniata, the sum of two thousand dollars, out of any money in the treasury of this commonwealth, to be applied towards erecting a suitable building or buildings, and for purchasing the necessary library, mathematical, geographical and philosophical apparatus, for the use of said academy, at the discretion of the trustees thereof; and the said trustees shall have power to loan any part thereof, not immediately required for the purpose aforesaid, at interest not exceeding six per cent. per annum, payable semi-annually, or oftener, for any term not exceeding one year, secured by bonds with undoubted security, with mortgage upon real estate of at least double the value of the sum loaned, such bonds and mortgage and surety to be first approved by the court of Common Pleas of said County: *Provided*, That before said money shall be paid to the treasurer of said academy, the Treasurer of this Commonwealth shall have received a certificate from the judges of said county, certifying that the treasurer of said academy has given the security required by the act establishing the said academy, as well for the sum hereby granted

\$2000 appropriated.

Proviso.

as for other funds of the said institution, and also certifying that property or funds, to the value of at least two thousand five hundred dollars have been contributed to the use of said institution for one or more of the purposes aforesaid ; and in consequence of the aforesaid grant, there shall be admitted into the said academy any number of poor children, not exceeding four that may at any time be offered to be taught, gratis, but none of said children so to be admitted shall continue to be taught gratis in said academy, should others apply, longer than two years, unless the trustee, or a majority of them, should determine otherwise.

SECTION 13. That there shall be and hereby is established in the borough of Kutztown, in the county of Berks, and commonwealth aforesaid, an institute or public school, for the education of youth in the English and other languages, in the useful arts and sciences and literature, by the name of the "Franklin Academy," under the care, direction and government of the trustees, to wit: Daniel B. Kutz, Daniel Bieber, Col. John Wanner, David Kutz, Doctor Christian L. Schlemm, David Deischer, and Henry Heffner, which said trustees and their successors, to be elected as hereinafter directed, shall be and are hereby declared to be one body corporate and politic, by the name and style of "The Trustees of the Franklin Academy of the borough of Kutztown," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law and equity to take and to hold, to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever, real, personal or mixed, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to grant, bargain, sell, demise, alien, dispose of, for the use of said academy, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering the affairs thereof: *Provided*, That the yearly value or income of the said real or personal estate, shall not, at any time, exceed the sum of two thousand dollars.

SECTION 14. That the said trustees shall hold their first meeting in the academy, in the borough of Kutztown, on the first Monday in June next after the passing of this act; any two of them shall constitute a quorum to transact any of the business of the said academy, particularly in making and

Franklin
Academy in
Berks Co. es-
tablished &
incorporated.

Trustees.

Proviso.

First meet-
ing of trus-
tees.

enacting ordinances and by-laws for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, of electing and appointing masters and tutors for said academy, of agreeing with them for their salaries, and at their pleasure removing the same, of appointing a secretary, managers and other officers for taking care of the funds and managing the concerns of the academy and corporation, and determining all matters and things necessary to be determined and transacted by the said trustees: *Provided always*, That no ordinances or by-laws shall have any force which shall be contrary to the constitution or laws of this commonwealth or of the United States. Proviso.

SECTION 15. All by-laws, ordinances and proceedings of the corporation shall be fairly and regularly entered into a book to be kept for that purpose, and no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the same: *Provided*, The interest of the parties shall sufficiently appear on the face of the gift, grant will or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any non-user of the rights, liberties, privileges, jurisdiction and authority hereby granted to the said corporation, create or in any wise cause a forfeiture thereof. Proceedings of the corporation to be entered in a book &c. Proviso.

SECTION 16. That there shall be and hereby is established in the town of Sunbury in the county of Northumberland, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name style and title of the Sunbury Academy, under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the Trustees of the Sunbury Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels and monies of every kind whatsoever, by gift, grant, conveyance devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect, purchase or rent such buildings as may be necessary, and to make, have and use a common seal, and the same to break or alter at pleasure, and generally do all and singular the matters and things which shall be lawful for Sunbury Academy in Northumb'd. Co. established & incorporated.

them to do for the well being of the said academy, and the due management and ordering of the affairs thereof.

Election of
trustees,

SECTION 17. And the first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and thirty-eight, and on the same Friday thereafter, annually, in the court house in said town of Sunbury; and the said election shall commence at the hour of one o'clock P. M., and continue until five o'clock P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote who may be present at the time of commencing said election; no person shall be allowed to be a trustee or to vote unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of five dollars; the vote shall be given by ballot, and each ticket shall be labelled on the outside "Trustees of Sunbury Academy," and at the first election shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year and until their successors are elected; the managers shall certify the result of the election to each person so elected; as soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes of two each; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president yearly, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of his duties enjoined, and the repayment of monies received by him.

Trustees to
be divided
into three
classes.

Powers.

Quorum.
President
Secretary &
Treasurer.

Treasurer's
duties.

SECTION 18. The treasurer shall receive and hold all monies belonging to the institution, and pay the same only to

the order of the board, signed by the president and secretary or by a majority of the trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution; and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind before the auditors of the county of Northumberland, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled, and any balance found due the institution shall be entered of record and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers; saving to the accountant and the corporation the same right to appeal; every trustee or treasurer, who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees) in the name of said corporation, one half to be recovered for the use of the academy and the other half for the use of the prosecutor.

Penalty for
neglect.

SECTION 19. That there shall be and hereby is established in the borough of Honesdale, in the county of Wayne, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Honesdale Academy, under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the Trustees of the Honesdale Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels and monies of every kind whatsoever, by gift, grant, conveyance, devise or bequest from any person or persons whomsoever capable of making the same; and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy and the due management and ordering of the affairs thereof.

Honesdale
Academy es-
tablished and
incorporated

Election of trustees.	<p>SECTION 20. And the first election of trustees shall take place on the first Friday in September, in the year one thousand eight hundred and thirty-eight, and on the same Friday thereafter, annually, at the public house now occupied by J. W. Patrick, in the said borough of Honesdale, and said election shall commence at the hour of one o'clock, P. M., and continue until five o'clock P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote who may be present at the time of commencing said election; no person shall be allowed to be a trustee, or to vote, unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of three dollars; the votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside "Trustees of Honesdale Academy," and shall contain the names of six persons, and the six having the greatest number of votes and being qualified according to the provisions of this act, shall be the trustees, for the ensuing year and until their successors are elected: <i>Provided</i>, That if any such election shall fail to take place, that the said corporation shall not thereby be dissolved, and in case any vacancy shall occur in the board from death, resignation, or refusal to act, the said vacancy shall or may be supplied by the trustees, or a majority thereof, until the next annual election; the managers shall certify the result of the election to each person so elected, and as soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes of two each; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum; and a quorum may, in the absence of the president, appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated</p>
Proviso.	
Trustees to be divided into three classes.	
Powers.	
Quorum.	
President, Secretary & Treasurer.	

amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of monies received by him.

SECTION 21. The treasurer shall receive and hold all monies belonging to the institution, and pay the same only ^{Treasurer's duties.} to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind before the auditors of the county of Wayne, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled, and any balance found due the institution shall be entered of record and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal; every trustee or treasurer who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees) in the name of said corporation, one half to be recovered for the use of the academy and the other half for the use of the prosecutor.

SECTION 22. Any and all property or money which may have heretofore been granted or in any wise directed by the owner thereof, to be appropriated to the use of the institution hereby established, is hereby vested in said corporation. ^{Property vested in the corporation.}

SECTION 23. Joseph B. Walton, John Neal, Alexander H. Farnham, John Forrey, John D. Delizenne and Stephen W. Genung, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected. ^{Trustees appointed.}

SECTION 24. That the association formed at Pottstown, in the county of Montgomery, under the articles hereinafter set forth, by the name and style of the Pottstown Academy, shall be and hereby is erected into a body corporate, by the same name and style, and under the same articles, and by said name and style shall have perpetual succession, and be capable in law and equity to sue and be sued, and to take and hold all property, real and personal, which may be granted and in any wise transferred to said academy for the purposes of education, and the same to alien and dispose of ^{Pottstown Academy incorporated.}

or to hold and use for the purpose aforesaid; and may have a common seal, and the same alter, break or renew at pleasure, and the following articles of association shall regulate said corporation, the legislature reserving the right to alter or modify the same at pleasure :

- Name. First.—The institution shall be called the Pottstown Academy.
- Annual election. Second.—It shall be governed by seven trustees, who shall be elected from among the stockholders annually, on the last Monday in March, four of whom shall constitute a quorum to transact business.
- Quorum.
- Title of the lands. Third.—Three of the stockholders shall be appointed trustees, to whom the title of the lands and buildings shall be made, with authority to sell or convey, at the desire of the holder of two-thirds of the stock.
- Treas'r and Secretary. Fourth.—The officers of the institution shall consist (in addition to the trustees above named) of a treasurer and secretary, who may be chosen from among the trustees.
- Duty of treasurer. Fifth.—It shall be the duty of the treasurer to collect and disburse all monies belonging to the institution, keep a regular account of receipts and payments and receive donations, but pay no monies except to the order of the president of the board of trustees.
- Duty of secretary. Sixth.—It shall be the duty of the secretary to keep minutes of the proceedings of the board of trustees, notify the stockholders of special and stated meetings, and keep the books and accounts of the institution.
- Ratio of votes. Seventh.—Each stockholder shall be entitled to one vote for every share he may hold, either in person or by proxy,
- Rel'e to elections. Eighth.—In elections of trustees, those candidates who shall receive the greatest number of votes shall be considered duly chosen.
- Of transfer. Ninth.—The stock shall be transferable only on the books of the institution.
- Academy to be opened to preachers. Tenth.—On application from a majority of the stockholders the academy shall be opened to preachers of all religious denominations, who may come, well recommended, by obtaining permission from any one of the trustees: *Provided*, That no meeting shall be held to interfere with the time allowed to teaching the school.
- Proviso.
- Certificates. Eleventh.—The secretary shall issue certificates to the stockholders for as many shares as they may possess, (on payment of all arrearages,) signed by himself and the president of the board of trustees.
- Duty of trustees. Twelfth.—It shall be the duty of the trustees to engage the teacher, lease the room, attend examinations, and do all things necessary for the welfare of the institution.

Thirteenth.—It shall require the consent of a majority Teacher. of the trustees to discharge a teacher.

Fourteenth.—The trustees may sell a sufficient quantity Rel'e to fin of stock, at the original cost per share to finish the buildings ishing the and pay the debts of the institution, and may also effect an buildings&c. insurance of the premises against fire, either temporary or pay'g debts. perpetual, out of the funds of the institution.

Fifteenth.—A majority of the trustees may loan or let Buildings the buildings for the accommodation of the Sunday schools, may be let. or for other purposes.

Sixteenth.—The trustees may enact their own by-laws. By-laws.

Seventeenth.—In all business relative to the affairs of the Majority & academy, it shall require a majority of the trustees to act, quorum. with the exception of the proviso's before made, and a majority of the quorum present shall be considered a majority of the trustees.

Eighteenth.—It shall require the consent of the holders of Altering two-thirds of the stock to alter or amend this constitution. constitution.

SECTION 25. This act shall not take effect till the board Accep'e of of trustees of the said association shall signify to the Gov. acts signifi'd error, in writing, their acceptance thereof. to the Gov.

SECTION 26. That John Keating, John Diamond, and their Philadelphia associates, be, and they are hereby erected and created into Philadelphia a body politic and corporate for instruction in theology, Seminary of science and literature, by the name, style and title of the St. Charles Philadelphia Theological Seminary of Saint Charles Borro- Borromeo meo, with perpetual succession, and with all the incidents to a incorporated corporation, in deed and in law; and in all matters not herein-after specially provided for, they shall have all the powers, privileges and immunities, and be subject to the restrictions contained in an act entitled "An act for the establishment of Laurel Hill College, in Penn township, county of Philadelphia," approved on the thirteenth day of April, eighteen hundred and thirty-five; and the said corporation shall be under the management, government and direction of a board of trustees, not exceeding nine in number, of which the Roman Catholic Bishop, actually governing the diocese of Philadelphia, the president of the seminary, the professors of theology and the sacred scriptures, shall be ex-officio members, and the remaining five trustees shall be laymen; the said bishop shall be the president of the board, and the president of the seminary shall be ex-officio the vice president of the board; five members shall constitute a quorum competent to perform all the duties authorized and required to be performed by the said board; John Keating, John Dia- Relative to mond, Joseph Dugan, Michael Magrath, and Mark Anthony trustees and Frenage, shall be the first lay trustees; any vacancies among other officers

the lay members, by death, resignation or otherwise shall be filled by the board; the said bishop shall appoint the president and professors of the seminary; all other officers of the seminary shall be appointed by the president thereof, except the treasurer and secretary, who shall be annually elected by the board of trustees.

Bloomfield
Academy in
Perry co. in-
corporated.

SECTION 27. That there shall be and hereby is established in the town of Bloomfield, in the county of Perry, an academy or public school for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Bloomfield Academy, under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the Trustees of the Bloomfield Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold to them and their successors, for the use of said academy, lands, goods, chattels and monies of every kind whatsoever, by gift, grant, conveyance, devise or bequest from any person or persons whomsoever, capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy, and the due management and ordering of the affairs thereof.

Election of
trustees.

SECTION 28. And the first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and thirty-eight, and on the same Friday thereafter, annually, in the court house in said town of Bloomfield; and the said election shall commence at the hour of one o'clock, P. M., and continue until five o'clock, P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote who may be present at the time of commencing said election; no person shall be allowed to be a trustee, or to vote, unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of three dollars; the votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside "Trustees of Bloomfield Academy," and shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year and until their

successors are elected ; the managers shall certify the result of the election to each person so elected ; as soon as convenient after the election the said trustees shall, by lot, divide themselves into three classes of two each ; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually ; the board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth ; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore ; the president shall be appointed yearly ; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either when ever a majority of the board shall think it proper ; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the re-payment of monies received by him.

Trustees to be divided into three classes.

Powers.

Quorum.
President,
Secretary &
Treasurer.

SECTION 29. The treasurer shall receive and hold all monies belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and the said trustees and treasurer shall, annually, in the month of January, exhibit all their books, vouchers and accounts of every kind before the auditors of the county of Perry, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled ; and any balance found due the institution shall be entered of record and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal ; every trustee or treasurer who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any

Treasurer's duty.

Penalty for neglect.

action (brought by a person qualified to vote for trustees) in the name of said corporation, one half to be recovered for the use of the academy and the other half for the use of the prosecutor.

Property
vested in the
corporation.

SECTION 30. Any and all property or money which may have heretofore been granted, or in any wise directed by the owner thereof to be appropriated to the use of the institution hereby established, is hereby vested in said corporation.

Names of
trustees ap-
pointed.

SECTION 31. Benjamin McIntire, John Boden, George Stroop, Jeremiah Madden, John McKeehan, John R. McClintock, John D. Creagh, Robert Elliot, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected.

\$2000 ap-
propriated.

SECTION 32. The Treasurer of this Commonwealth be, and he is hereby authorized and required, to pay to the treasurer of the Bloomfield Academy, in the county of Perry, the sum of two thousand dollars out of any money in the treasury of this commonwealth, to be applied towards erecting a suitable building or buildings, and for purchasing the necessary library, mathematical, geographical and philosophical apparatus, for the use of said academy, at the discretion of the trustees thereof; and the said trustees shall have power to loan any part thereof, not immediately required for the purpose aforesaid, at interest not exceeding six per cent. per annum, payable semi-annually, or oftener, for any term not exceeding one year, secured by bonds with undoubted security; with mortgage upon real estate of at least double the value of the sum loaned; such bonds and mortgage and surety to be first approved by the court of Common Pleas of said county: *Provided*, That before said money shall be paid to the treasurer of said academy, the Treasurer of this Commonwealth shall have received a certificate from the judges of said county, certifying that the treasurer of said academy has given the security required by the act, as well for the sum hereby granted as for other funds of the said institution, and also certifying that property or funds to the value of at least one thousand dollars have been contributed to the use of said institution, for one or more of the purposes aforesaid.

Proviso.

Greene A-
cademy in
Greene Co.
Trustees of
empowered
to apply int't

SECTION 33. The Trustees of Greene Academy, in Greene county, be; and they are hereby empowered to apply the whole amount of the interest hereafter accruing on the funds of the same, towards the payment of a teacher or teachers or the purchase of books and philosophical apparatus, in such manner as they may deem best for the interest of said academy.

SECTION 34. That the commissioners of the county of Coudersport Potter, be, and they are hereby authorized and required, as Academy in soon as may conveniently be done after the passage of this Potter co. act, by some good and sufficient instruments in writing, to assign, transfer and convey unto the "Trustees of the Cou- Transfer of dersport Academy," in the said county, and to their succes- lands by the sors and assigns, all the lands, tenements and hereditaments commission- which were heretofore conveyed to the said commissioners, ers of the and are now held by them for the use of any academy or county. public school in the said county, and also to pay over to the said trustees any balance of funds now remaining in their hands, and which are held by them for the use of any academy or public school in the said county, except such funds as may have been received by them from the State Treasurer, under any law relating to the Common Schools of this commonwealth, and the aforesaid "the Trustees of the Coudersport Academy," and their successors and assigns, shall hold the said lands, tenements and hereditaments to and for the use of the said academy, and for no other use whatsoever, and without any power to sell or convey the same, and in such manner that the said lands, tenements & hereditaments shall be at all times, forever exempt from all liability to be seized or taken in execution for the payment of any debts heretofore contracted, or which may hereafter be contracted by the said trustees or their successors in office: *Proviso.* *Provided,* That if, at any time hereafter, the said corporation shall be dissolved, from any cause whatever, then and in such case the said lands, tenements and hereditaments shall revert to the commissioners of the county of Potter, for the uses and purposes for which they were originally held.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 61.

A Further Supplement

To the act relating to Orphans' Courts, passed March twenty-ninth eighteen hundred and thirty-two, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Orphans' Court of the county of Philadelphia, to authorize the investment of trust monies in the loans of said county, or of either of the incorporated townships and districts of the said county, in the cases provided, and agreeably to the provisions of the fourteenth section of the act relating to Orphans' Courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two.

The trustees of Chas. C. Harper, empowered to make deeds for lands.

SECTION 2. It shall and may be lawful for Joseph J. Speed, Charlotte C. Harper and John White, trustees under the will of Charles C. Harper, late of the state of Maryland, deceased, or the survivors or survivor of them, or such of them as shall act in the premises, to sell and dispose of, and make good and valid deeds therefor, all the lands of which the said Charles C. Harper died siezed, lying and being in the state of Pennsylvania, and which, by his last will, are devised to the said trustees in trust for his the said Charles C. Harper's infant children, and to appoint agents for making said sales, upon such conditions and terms and with such compensation as to the said trustees, or to the survivors or survivor of them, or to such of them as shall act in the premises, shall seem proper : *Provided*, That the proceeds of the sales of said lands shall be held by the said trustees in trust for said infants, for the purposes and objects expressed in the will of the said Charles C. Harper : *And provided further*, That the said trustees, or the survivors or survivor of them, or such of them as shall act in the premises, shall, before making sale of the said lands, give such security as may be required of them by the High Court of Chancery of the state of Maryland, to filed in said court, conditioned for the appropriation of the proceeds of such sales, in conformity to the provisions of the last will of the said Charles C. Harper.

Proviso.

2d Proviso.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight,

JOS. RITNER.

No. 62.

An Act

To incorporate the Bradford County Mutual Insurance company,
and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Seth W. Paine, V. M. Long, Erastus Fitch, Thomas Owen, J. N. Pomeroy, G. F. Red-
ington, Jerre Addams, Reuben Wilber, O. P. Ballard, Alonzo Long, Elihu Newberry, and Ezra Long, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the Bradford County Mutual Insurance company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandize, and other property, against loss or damage by fire. Corporators.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said company, and no longer. Additional members.

SECTION 3. The affairs of said company shall be managed by a board of directors, consisting of thirteen members, chosen or appointed as hereinafter provided; all vacancies happening in said board shall be filled by the remaining directors for the remainder of the year for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business; the persons named in the first section of this act shall be the first directors, and the business of said corporation shall be done and transacted at such place in the borough of Towanda, in the county of Bradford, as shall be designated by a majority of the directors present, at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough of Towanda aforesaid, as the corporation in their by-laws shall appoint, of which election, public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members, not Directors. Quorum. Annual election.

Ratio of
votes.

being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot and by a plurality of the members or their proxies then present, allowing to each member one vote for every hundred dollars insured for him with said corporation.

Rates of insurance to be determined.

SECTION 4. The directors shall determine, as nearly as practicable, by their by-laws, the rates of insurance on the different classes of property, and the sum to be deposited for any insurance; they shall also fix the sum to be insured.

Payment of insurance by deposit notes.

SECTION 5. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissary note for such a sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite, for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said corporation, and at the expiration of the time of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof, and it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the purposes of said corporation, to be secured by bond and mortgage, on real estate of double the value of the sum loaned, above all incumbrances, for a term of time not exceeding two years; the interest to be paid half yearly, and in default of such payment, the principal, as well as interest, to become immediately due and collected.

Money on hand may be put to interest.

Lien of the company.

SECTION 6. And said company shall have a lien, in the nature of a judgment, waiving the right of inquisition upon all the said property of the insured, to the amount of his deposit note on so much thereof as may be unpaid, which shall continue till the amount of such note, with interest and costs of execution, if any, shall have been paid or satisfied according to the provisions of this act: *Provided*, Said company shall file in the office of the prothonotary of the county wherein such real estate shall lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note unpaid, and the term for which the insurance shall continue; and the prothonotary with whom the same shall be filed is hereby required forthwith to enter the same, without tax or fee, at large upon his judgment docket, and the same when so entered shall be deemed and taken to be, in all respects, as a judgment entered upon

Proviso.

confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as, by virtue of the provisions of this act, may be due and demandable, but the lien thereof shall commence with the filing of such memorandum in the office of the prothonotary: *Provided further*, 2d Proviso. That such lien shall not be construed to take from such person insured, as aforesaid, the privileges of a freeholder.

SECTION 7. When property insured by this corporation shall be alienated by sale, or otherwise, the policy shall therefore be void and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit notes, with an order, signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon: *Provided*, That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienations, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act. *Proviso.*

SECTION 8. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes or for any cause relating to the business of said corporation, or against any person for monies due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause; but said corporation shall not hold any property, except what may be absolutely necessary for the transaction of their corporate business, and all real estate purchased by said company for the purpose of collecting or securing debts, shall escheat to this commonwealth, unless the same shall have been sold and disposed of and passed bona fide from the possession and ownership of said corporation within ten years next succeeding such purchase; also suits at law may be maintained against said corporation, by any member thereof, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of *Suits for collection of the deposit notes &c. may be maintained. Of escheats.*

Witnesses.

such loss, and no member not being in his individual capacity interested, shall be incompetent as a witness in any such cause as the aforesaid, on account of his being a member of said corporation.

Loss or damage by fire, how to be ascertained and paid.

SECTION 9. The directors shall, after receiving notice of any loss or damage by fire, sustained on property insured by said corporation, and ascertaining the same, or after the condition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of the deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the sixth section of this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

If the available funds be insufficient to pay losses, other sums to be raised and how.

SECTION 10. If the available funds on hand and the amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said deposit, according to the sums to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars to them respectively insured; and no member shall be required to pay for any loss occasioned by fire, at any one time, more than one dollar on every hundred dollars insured in said company in addition to his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member upon payment of the whole of his deposit note, and surrendering

Members may be discharged from the comp'y.

his policy, before any subsequent expense or loss has occurred, may be discharged from said company.

SECTION 11. No policy shall be issued by said company Policies.
till application be made for insurance for twenty-five thousand dollars at least.

SECTION 12. No insurance shall be made by said company for a longer period than seven years. Time of insurance.

SECTION 13. This act shall take effect immediately after its passage, and shall continue in force twenty years; but Continuanee of this act.
the legislature of this commonwealth may at any time alter, modify or annul its provisions.

SECTION 14. That Matthew C. Ralston, Joseph Hand, Exchange Joseph W. Ryers, Alexander M'Clurg, John B. Myers, Insurance William B. Fling, David Hill, Frederick Fraley, John company.

Bacon, Abraham J. Lewis, Thomas Cook, Henry Toland, John B. Budd, George W. Page, William S. Smith, Henry Chester, John L. Hodge, Thomas Hays, Joseph B. Smith, Robert Howell, William Allen, William M'Kee, Alexander L. Lardner, John Jones, Jacob M. Thomas, Henry Farnum, Commiss'rs

William Carlisle, Jacob B. Clement, Alexander Burden, James Allen, George Ford, Jr., be, and they are hereby appointed commissioners for receiving subscriptions to the stock of a company to be called the Exchange Insurance Shall open books.
company, and shall open books for that purpose in the city of Philadelphia, at the time and place by them to be appointed, for which they shall give not less than ten days notice,

in two daily newspapers published in the city of Philadelphia; and said books shall be kept open for two days, between the hours of ten and two o'clock on each day, until the number of three thousand shares at one hundred dollars Number of shares.
per share shall be subscribed, after which the books shall be closed; and all persons of lawful age shall be permitted to

subscribe for said stock, and on the first day on which the said books shall be opened no person shall be permitted to subscribe for more than ten shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall, on the second day thereafter, permit any persons aforesaid to subscribe for any number of shares remaining: *Provided*, That if the subscriptions on the first Proviso.
and second days should exceed the number of three thousand shares, the shares of each subscriber shall be reduced in proportion, so however, that no individual, without his consent, have his subscription reduced below five shares.

SECTION 15. When the whole number of shares in the capital stock, as aforesaid, shall have been subscribed, and at least five dollars per share paid in, the said commissioners Letters paid.

- shall certify to the Governor, under their hands, or under the hands and seals of any ten of them, the names of the subscribers and the number of shares by them subscribed, respectively, and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of the Ex-
- Name, style, and title. change Insurance company, by which name and title the subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy, to them and to their successors, lands, tenements and hereditaments, goods and chattels, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, demise, grant, alien or dispose of: *Provided*, That the real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of the business thereof, or shall be taken and held in security for the payments of debts due to the corporation, and that the yearly income of the said real estate shall not, at any time, exceed
- Proviso. the sum of twelve thousand dollars: *And provided also*, That the said company shall have authority to make and to have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, and not being contrary to the laws of the United States or of this state, and generally to do all and singular the matters which to them shall lawfully appertain to do, for the well being of the said corporation and the managing and ordering of the affairs thereof.
- 2d. Proviso.

Annual election and organization. SECTION 16. For the government of the affairs of the said corporation there shall be ten directors, who shall be citizens of this commonwealth, and stockholders of the said corporation, holding at least five shares each in their own right, elected annually on the first Monday of January, by the stockholders at their general meeting for that purpose assembled, public notice of the time and place of holding such meetings and elections having been given, in at least two daily newspapers in the city of Philadelphia, not less than five days previous to holding the same; and the directors, at their first meeting after such election, shall choose one of their number as president; but in case it should happen at any time that an election of directors should not be made upon any day when, pursuant to this act, it ought to have

been made, the corporation shall not for that cause be deemed to be dissolved, and it shall be lawful on any day within thirty days thereafter, to hold and make an election of directors in such manner as shall be regulated by the by-laws and ordinances of the corporation; and in case of any director's death, or resignation, his place may be filled, for the remainder of the year, in such manner as the ordinances of the said corporation shall for that purpose direct: *Provided*, That the first election for directors shall be held at a time and place to be appointed by the commissioners before mentioned, or any ten of them, they giving notice thereof in manner aforesaid, and the directors so chosen shall hold their offices until the first Monday of January, in the year of our Lord one thousand eight hundred and thirty-nine, and until new directors shall be chosen. Proviso.

SECTION 17. The votes of the stockholders for directors shall be by ballot, and for the election of directors and for the deciding of all questions in the general meeting of the stockholders, the ratio of votes shall be as follows, to wit: a stockholder having five shares or less, one vote; six and not more than nine, two votes; ten and not more than fourteen, four votes; fifteen and not more than nineteen, six votes; twenty and not more than twenty-four, eight votes; twenty-five and not more than twenty-nine, ten votes; thirty and not more than thirty-four, twelve votes; thirty-five and not more than thirty-nine, fourteen votes; forty and not more than forty-five, sixteen votes; forty-five and not more than forty-nine, eighteen votes; fifty and upwards, twenty votes; but no stockholder shall be entitled in his own right, or as a proxy, to a greater number than twenty-five votes, nor shall any stockholder vote at any election for directors, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name, on the books of the said corporation, for at least three months previous to said election. Ratio of votes.

SECTION 18. The president and directors of the said corporation for the time being, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of said corporation, as well in the city Philadelphia as elsewhere, and to allow the said persons so appointed such compensation for their services, respectively, as they shall deem reasonable, and generally to exercise all other powers and authorities, for the well governing and ordering the affairs and funds of the said corporation, as this act confers and allows, or as may be hereafter conferred and allowed by the laws, regulations and ordinances of said corporation. Powers.

Penalty for neglecting to pay for shares.

SECTION 19. The shares in the capital stock of the said company shall be called in and paid at such time and times and in such proportion or proportions as the president and directors shall declare and require, giving at least thirty days previous public notice thereof, and any stockholder or stockholders, his, her or their executors, administrators or assigns, neglecting or refusing to pay all or any part of the sum or sums of money for his, her or their share or shares, in the proportion and at the time and times prescribed, as aforesaid, for the payment thereof, shall forfeit to the use of the said company all the money by him, her or them previously paid on account of said share or shares, together with all right, title, interest, property, emolument, claim and demand whatsoever, of, in, to, or out of the capital stock and funds of the said company, and the profits arising or to arise therefrom by reason or on account of the share or shares so forfeited; the capital stock of the said company shall amount to the sum of three hundred thousand dollars, and be divided into three thousand shares, which shares shall be assignable and transferable, according to such rules and regulations as the directors shall make and establish for the assignment and transfer thereof.

Amount of capital stock.

Investments of the capital stock and funds of the company.

SECTION 20. It shall be lawful for the said corporation from time to time, to improve and invest the capital stock and funds of the company in the public securities of the United States, or in the stock or stocks of any incorporated institution within this commonwealth or elsewhere, or to loan the same to the state of Pennsylvania, or on the security of real estate within the state of Pennsylvania, and the public securities aforesaid, and all other evidences of debt or duty owing and belonging to the said company, shall be transferred to and taken in the name of the Exchange Insurance company, and all deposits for the safe keeping of the monies and securities of the company, shall be made in any incorporated bank or banks located in the city or county of Philadelphia, in such manner and in such terms that the same shall always appear to be the property of the company, and shall be subjected only to the drafts or orders of their proper officers, and under such regulations as shall be established by the by-laws of the company.

Of insurance.

SECTION 21. The president and directors shall have full power, on behalf of the said corporation, to make insurance against losses by fire, on any house, tenement or manufactory, or on goods, wares, merchandise and effects therein, and upon any ship or vessel, upon the stocks, building or repairing, or at moorings, or lying in port, and on goods, wares, merchandise and other effects therein, and on hay, grain and

other agricultural products in barns, stacks or otherwise, and generally on all kinds of goods, buildings, wares, merchandise and effects, upon the land or lying in port; and further to make insurance against losses by fire or by water on goods, wares, merchandise and effects transported on rivers, on canals or on railroads, by steam boats or wagons, in canal boats or cars, and to make all kinds of marine insurance, and to loan money upon bottomry and upon respondentia, and to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case shall or may require, and every such contract, bargain, agreement and policy to be made by said corporation, shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president and attested and countersigned by the secretary, or other officer who may be appointed by the president and directors for that purpose.

SECTION 22. In case any assured, named in any policy or contract of insurance made by the said corporation, shall sell, convey or assign the subject insured, it shall be lawful for such assured to assign and to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance and may bring and maintain a suit in his, her or their own name or names: *Provided*, That before any loss happens he shall obtain the consent of the insurer to such assignment, and have the same indorsed on or annexed to such policy or contract of insurance, and not otherwise.

Of assignments of policies of insurance.

Proviso.

SECTION 23. The president and directors shall, on the first Monday in December, in the year of our Lord one thousand eight hundred and thirty-eight, and on the first Mondays of December and June in every year thereafter, declare and divide so much of the profits of the said corporation as to them shall appear advisable, and the dividend so declared shall be paid to the respective stockholders, agreeably to such rules as the president and directors shall make for the purpose, but the monies received as premiums upon risks, which remain undetermined and are outstanding at the time of the declaring such dividend, shall not then be considered as part of the profits of the said corporation, or divided as such, and if any loss or losses shall happen, whereby the capital stock of said company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital stock of said company; and if the president and directors shall, knowingly, make a dividend or dividends, contrary to the true intent and meaning of the prohibitions herein contained,

Dividends.

the president, if he consents thereto, and such of the directors as shall consent thereto, shall, in their individual capacity, be accountable for and pay over to said corporation for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do; and the president and each director in office at the time of making such dividend hereby prohibited to be made, shall be deemed as consenting to such dividend unless he or they shall, at the time of making such dividend, be absent from the board of directors, or if present, shall immediately enter his or their protests on the minutes of the board of directors, and also give notice thereof in two or more newspapers published in Philadelphia.

Right to re-
peal this act
reserved.

SECTION 24. If at any time it shall appear to the legislature that the said Exchange Insurance company has abused or misused any of the privileges hereby granted, the power to repeal so much of this act as relates to the said Exchange Insurance company, shall in no wise be denied or impaired, but such repeal shall not affect any engagement to which the said Exchange Insurance company may have become a party previously thereto; and that the said Exchange Insurance company shall have a reasonable time allowed them to bring their accounts to a final settlement and termination.

J. Kilburn, H.
Frezelle &
A. Bascom,
authorized to
erect a
Bridge over
Tioga river,
&c

SECTION 25. That Ira Kilburn, Horace Frezelle, Ansel Bascom and their associates, be, and they are hereby authorized to erect and maintain a bridge across the Tioga river, in the township of Lawrence and county of Tioga, at any point where the lands on both sides and adjoining said river may be owned by said individuals, or by persons consenting in writing to the erection of such bridge: *Provided*, That said bridge shall not impede the navigation, and that no higher or greater toll, shall be charged for the use of said bridge than are authorized by the act "to authorize the Governor to incorporate a company to erect a bridge over the Kiskiminnas river, on the big dam, at the town of Leechburg, in Armstrong county;" *And provided*, That the commissioners of Tioga county shall, after five years from the passage of this act, have the right to purchase said bridge for public use, out of the county funds upon such terms as may be agreed upon between them and the proprietors, the court of Quarter Sessions and the grand jury approving thereof, and the legislature reserves the right to regulate the rates of tolls on said bridge as they may think proper.

2d Proviso.

Fire Asso'n
of Phil'a.
may make
insurance &c

SECTION 26. That hereafter the trustees of the Fire Association of Philadelphia, shall have full and sufficient power to make and enter into any contracts, with any person or persons, bodies politic or corporate, for the insurance of

houses, tenements, manufactories or other buildings, and on goods, wares, merchandise and effects therein, and upon any ship, or vessel upon the stocks, building or repairing, or at any mooring in the port of Philadelphia, and on goods, wares, merchandise and effects therein, and generally on all kinds of buildings and shipping, and goods, wares, merchandise, agricultural products and property of every description, either upon land or lying in said port, from loss or damage by fire : *Provided*, That nothing herein contained shall be so construed as to prevent the said association from investing their funds in well secured ground rents. Proviso.

SECTION 27. That so much of the original act of as- Repeal.
semblly, as is inconsistent herewith, is hereby repealed.

WHEREAS, It has been represented to the legislature that the owners of the lands called the Pigeon Swamp, have not been able to accomplish the design intended to be effected by the law entitled "An act to enable the owners of the lands called the Pigeon Swamp, in the township of Bristol in the county of Bucks, to dig, maintain and keep open a ditch through the swamp, and to raise money to defray the expense thereof, and the supplement thereto, by reason of not having authority to go far enough up and down Mill Creek, and not having authority to dig a ditch and construct a bank or dam to prevent the waters of the said Mill Creek from running or backing up on the said lands called the Pigeon Swamp; Therefore, Preamble relative to the Pigeon Swamp lands

SECTION 28. That the owners of the lands called the Pigeon Swamp, in Bristol township, shall have full power and authority to open a ditch from the north corner of Samuel Headley's land, north thirty-seven degrees west, through J. C. Burton's land, to intersect said creek, also from the same point through Samuel Headley's land, south ninety-three perches, and south twenty-six degrees east, fourteen perches, into said Mill Creek ; also to open a ditch and construct a bank or dam through the meadow land of Jesse White, from his high land, along the line of the said John Carlisle Burton's land, south twenty-four east, twenty-six perches, to the said John Carlisle Burton's land, the same course twenty-three perches, and south fifteen degrees west, thirty-three perches, to land late of Thomas Watson deceased, thence through the said land the same course three perches, and south forty-seven degrees west, fifteen perches, to the said Mill Creek and Samuel Headley's land, and thence down said Mill Creek through the said Samuel Headley's land, south nine degrees west, ten perches ; the said ditch to be of sufficient width and depth to make a free passage for the water of the said swamp, and the said bank or Owners empowered to open ditch &c.

dam of sufficient height and breadth to prevent the waters or freshets of the said Mill Creek from backing or running up on the said lands, called the Pigeon Swamp, and to throw earth and stone in the said Mill Creek, to construct a bank to force the water of the said creek into the said first above mentioned ditch or creek way, through the said John Carlisle Burton's and Samuel Headley's land, which should be of a width and depth sufficient to make a free passage for the waters of the said creek in common times : *Provided*, That if either of the aforesaid individuals through whose lands the said ditches or embankments pass, shall consider themselves in any degree injured by the cutting of said ditches or embankments, it shall and may be lawful for them or either of them to have their damages adjusted, agreeably to the provision in the second section of the supplement to the act passed thirteenth day of March, A. D. eighteen hundred and eleven.

Proviso.

Time for
holding
further
elections:

SECTION 29. That all future elections for managers and treasurer of said company, shall be held on the first Monday in March hereafter, and the said officers shall be inhabitants of the township of Bristol, the borough of Bristol, or the adjoining townships, except the first election which shall be held on the third Monday in May next.

SECTION 30. That so much of any law as is hereby altered or supplied be and the same is hereby repealed.

Repeal.

Burgess and
town council
of Waterford
to the highest
bidder or bidders,
either in lots or
the whole together,
at their discretion,
the unsold out-lots
adjoining the town
of Waterford,
containing about
fifty acres more
or less, and the
streets leading
through the said
lots are hereby
vacated, and the
said burgess and
town council
authorized to
convey the title
to said land,
by deed, in fee
simple : *Provided*,
That the amount
arising from the
sale of the said
lots, shall be
paid to the State
Treasurer for
the use of the
commonwealth.

SECTION 31. That the burgess and town council of the borough of Waterford, are hereby authorized, after having given thirty days public notice thereof, in at least two newspapers published in the county of Erie, to sell at public sale, to the highest bidder or bidders, either in lots or the whole together, at their discretion, the unsold out-lots adjoining the town of Waterford, containing about fifty acres more or less, and the streets leading through the said lots are hereby vacated, and the said burgess and town council authorized to convey the title to said land, by deed, in fee simple : *Provided*, That the amount arising from the sale of the said lots, shall be paid to the State Treasurer for the use of the commonwealth.

Proviso.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 63.

An Act

For the relief of Thomas Wilt and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to Thomas Wilt of Bedford county, James Jefferies and Esly Power of Allegheny county, John Plott of Cambria county, James Polk of Delaware county, William M'Henry of Indiana county, George M'Clelland of Fayette county, David Allison of Washington county, Gideon Cartright of Tioga county, Samuel Lane of Beaver county, John Burkhart of Butler county, and Daniel Winget of Knox county, Ohio, soldiers, and Margaret Williams of Allegheny county, and Elizabeth Mathias of Philadelphia county, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars immediately as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities & annuities to T. Wilt and others.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required to pay to Adam Palmer and Jacob Fink of Westmoreland county, soldiers, Mary Miller of Cumberland county, Elizabeth Conn, Margaret Lutman, and Jane Humphrey of Lancaster county, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars immediately as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities & annuities to A. Palmer and others.

SECTION 3. That the State Treasurer be, and he is hereby authorized and required to pay to John Sutherland of Mercer county, Daniel Stivers of Fayette county, Thomas Greer of Allegheny county, Henry Hum of Jefferson county, Valentine Hefner of Huntingdon county, Henry Croushour of Westmoreland county, James Repine and John Brady of Indiana county, soldiers, and to Mary Tipper of Franklin county, Elizabeth Landon of Bradford county, Mary Conner, Mary Anderson and Martha Reed of Allegheny county, Elizabeth Ruthfon, Catharine Auxer and Mary Miller of

Gratuities & annuities to J. Sutherland & others

Lancaster county, and Sarah Darragh of Bucks county, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

SECTION 4. That the State Treasurer be, and he is hereby authorized and directed to pay to Melchior Spoon of Perry county, and Peter Steager of Lebanon county, Thomas Wakefield of Indiana county, Joseph White and James Donahy of Indiana county, or to their respective orders, forty dollars each immediately in full for their military services during the Revolutionary and Indian wars; the foregoing gratuities and pensions to be paid in conformity with the existing laws.

SECTION 5. That the State Treasurer be, and he is hereby authorized and required to pay unto Jane Linton of the city of Baltimore, or her order, immediately after the passage of this act, the sum of two hundred dollars, in full compensation for two hundred acres of donation land, to which her husband, Joseph Linton, was entitled for military services rendered during the war of the Revolution.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, A. D., one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 64.

An Act

For the divorce of Elijah M. Stine from Amanda Stine, and David Shulze from Elizabeth Shulze.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract existing between Elijah M. Stine and Amanda Stine, now or late of the county of Dauphin, be, and the same is hereby forever dissolved, and that the above named persons be, respectively, restored to the rights, liberties and privileges they individually possessed, as if no such marriage contract had ever been formed.

SECTION 2. That the marriage contract entered into by Divorce of and between David Shulze and Elizabeth Shulze his wife, D. Shulze late Elizabeth Forney, both of the county of York, be, and from E. the same is hereby annulled and made void, and the parties Shulze. released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and as effectually and absolutely as if they had never been joined in marriage.

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirteenth day of April, A. D., one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 65.

An Act

Supplementary to an act entitled An act authorizing the Governor to incorporate the Meadville and Titusville Turnpike Road company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the time appointed for the meeting of the commissioners in so much of the said act as relates to the Time of incorporation of the Browington, Harrisville and Franklin meeting Turnpike Road company, be, and the same is hereby extended. extended. to the first Monday in July next, and that John Harris and Robert Lamberton, be, and are hereby appointed com- Additional missioners in addition to those already named in the said act. Commiss'rs.

SECTION 2. That all and every provision of the said act, Repeal. to which this is a supplement, inconsistent herewith is hereby repealed.

SECTION 3. That from and after the passage of this act President & no president or manager of any turnpike road or bridge com- managers pany, within this commonwealth, in which the State now does eligible for or hereafter shall hold stock, shall be eligible for the office of the office of treasurer, or deputy treasurer or gate keeper of said com- Treas'r and pany. gatekeeper.

Rel'e to the
compensat'n
of Treas'r &
Secretary.

SECTION 4. That so much of the one hundred and eleventh section, of the supplement to the act entitled An act relative to Turnpike Road and Bridge companies, passed the tenth April eighteen hundred and twenty-six, as relates to the compensation of the treasurers and secretaries of said companies, be, and the same is repealed, so far as it relates to the treasurer and secretary of the Chambersburg and Bedford Turnpike Road company, and the board of managers shall allow such compensation as may be reasonable.

Bridge Co. at
Athens,
Bradford Co.
Powers and
privileges
continued for
five years.

SECTION 5. That the powers and privileges granted by an act to authorize the Governor to incorporate a company to erect a bridge over the North Branch of the Susquehanna river, at or near the village of Athens, in the county of Bradford, be, and the same are hereby continued for five years, from and after the passage of this act.

Phil'a and
Trenton
Railroad Co.
may extend
a branch of
their Railr'd.

SECTION 6. That it shall and may be lawful for the Philadelphia and Trenton Railroad company, to extend a branch of their railroad, under the provisions of their charter, from some suitable point at or near the Pennypack creek, in the neighborhood of Holmesburg, and to terminate in the village of Holmesburg; and for the purpose, if it shall be found advisable with the assent of the county commissioners of Philadelphia county, to locate the said branch and lay their rails on the route of a public road leading from the railroad to said village.

Lykens Val-
ley Coal Co.
authorized to
enlarge their
capital stock

SECTION 7. That it shall be lawful for the president and directors of the Lykens Valley Coal company, in Dauphin county, Pennsylvania, at any time when they may deem the same expedient, to enlarge the capital stock of said company, by the sale of any number not exceeding two thousand shares, at the par value of fifty dollars each share, in addition to the stock which the said company are now entitled to hold, and it shall also be lawful for them, from time to time as they may deem the same necessary, to borrow money for the purposes of the company, for such periods of time and on such terms as they may deem expedient, with authority to sell, mortgage or otherwise dispose of their estate, real, personal and mixed.

Authorized
to borrow
money &c.

SECTION 8. That George M. Lauman, be, and he is hereby authorized and empowered to construct a single railroad track, from the Harrisburg, Portsmouth, Mountjoy and Lancaster Railroad, at Portsmouth, with the consent of said Railroad company through a certain alley (not named on the town plot,) to the basin of the State canal, for the purpose of forming a connection therewith, a distance not exceeding five hundred yards, and that the said Lauman be further empowered, should it be considered necessary, to extend the

G. M. Lau-
man author'd
to construct
a railroad in
Portsmouth
&c.

same up Ann street, in the said village of Portsmouth, with the consent of the owners of any land through which said railroad shall or may pass.

SECTION 9. That when persons apply for the powers and immunities of a corporation or body politic, under the act to encourage the manufacture of iron with coke or mineral coal, and any of them shall have subscribed real or personal estate, other than money, for the purpose of carrying on and to be used in such manufacture, it shall be lawful for such persons to make application to the court of Common Pleas of the county where said corporation propose to conduct said business, and the said court shall appoint three disinterested citizens, whose duty it shall be, first being sworn or affirmed faithfully to perform the trust committed to them, to value and appraise the said real and personal estate, and make a return of the said valuation, with a description of such estate, under their hands and seals, to the said court, where it shall be entered, if confirmed by the said court, on the record thereof, and a certified copy of the same shall be presented to the Governor of the commonwealth, when application is made to him under the said recited act, and the Governor shall consider the same in ascertaining the amount, to have been bona fide subscribed as required by said act; and such real or personal estate shall not in any other way be taken or received as a subscription to the capital stock of any such corporation, and for such proceedings in such court of Common Pleas, the appraisers and officers thereof shall be entitled to receive such fees as are by law allowed for like services performed in said court, which shall be adjusted and fixed by said court.

SECTION 10. That any persons who are citizens of the United States, are hereby authorized to become stockholders of any corporation created under said act, to encourage the manufacture of iron with coke or mineral coal, under the act aforesaid.

SECTION 11. That the Governor be, and he is hereby authorized and required, within thirty days after the passage of this act, to appoint three commissioners, whose duty it shall be to examine and report to the legislature at its next annual session whether any, and if any, what additional surveys should be made in order to furnish an accurate map of the commonwealth, on which the result of the present geological and mineralogical survey may be correctly and appropriately represented, and if the said commissioners shall find that a complete topographical survey of the commonwealth should be undertaken, then to report, at the same time, what plans have been heretofore adopted, or are now in progress in

other countries and in the United States, in making such surveys, and in what manner a survey of this state should be organized and prosecuted.

Additional
appropriation
of \$6000 to
geological &
mineralogical
survey of
the state.

Proviso.

SECTION 12. That in order to complete the geological and mineralogical survey of the state more rapidly, and to secure to the people the benefits thereof, as nearly as practicable at the same time, the sum of six thousand dollars is hereby added to the future annual appropriations mentioned in the seventh section of the act passed March twenty-ninth, Anno Domini eighteen hundred and thirty-six, entitled "An act to provide for a geological and mineralogical survey of the state," to be expended by the state geologist, with the approbation of the Governor, in the employment of such additional sub-assistant geologists and a draughtsman, as may be deemed necessary for the rapid completion of the survey: *Provided*, That the salaries of the said assistant geologists shall not exceed eight hundred dollars per annum each, and the salary of the draughtsman shall be twelve hundred dollars per annum; and it shall be the duty of the state geologist, in addition to the duties now imposed upon him by law, to make such inquiries and examinations into the present methods of mining coal and manufacturing iron as the Governor shall deem expedient and proper, to increase the products of the mineral resources of the state, and when the said inquiries and examinations are completed, the said state geologist shall compile a complete and detailed report thereof, and present the same to the legislature as soon as practicable.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 66.

An Act

To incorporate the Arbon Coal company of Tioga county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in*

General Assembly met, and it is hereby enacted by the authority of the same, That Lewis Saynisch, Joseph P. Morris, William Frederick Seidel, Franklin R. Smith and James H. Gulick of the county of Tioga, or any three of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say; they shall, on or before the first day of October next, procure a sufficient number of books, one or more of which shall be opened at some convenient place in the city of Philadelphia, and in Blossburg in Tioga county, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Arbon Coal company, the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, of the said coal company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Arbon Coal company," Witness our hands this day of in the year of our Lord one thousand eight hundred and thirty-eight; and shall thereupon give notice, in one or more newspapers printed in the city of Philadelphia, and one in Tioga county, for one calendar month at least, of the time when and places where the said books shall be kept open, to receive subscriptions for the stock of the said company, and the said books shall be kept open to receive subscriptions, in the manner and under the regulations prescribed by the section of an act, passed the twenty-first day of March, Anno Domini eighteen hundred and fourteen, entitled "An act regulating Banks;" and whenever one thousand shares shall have been bona fide subscribed by at least twenty persons, and five dollars on each share shall have been paid to said commissioners, the said commissioners shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on receipt of such certificate, the Governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time then also those who shall subscribe, to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Arbon Coal company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable in law to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation,

Commiss'rs

To procure books.

Form of subscription.

Number shares.

Letters patent.

Name, style and title.

Privileges.

Seal.

- consistent with the laws of this commonwealth, and of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing and holding to them and their successors and assigns in fee simple or for any lesser estate, such lands, tenements and hereditaments, and such personal estate as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do :
- Proviso.** *Provided*, That the real estate which it shall be lawful for the said corporation to hold, shall not at any time, exceed two thousand acres of land : *And provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking or trading privileges whatever, or any privileges for manufacturing iron, or any other liberties, privileges or franchises but such as shall be necessary or incident to the mining, coking, transportation and sale of coal and the other products of coal lands, and to the construction of a railroad from the coal mines of the company, to a point on the canal or railroad authorized to be made from Blossburg, in Tioga county, to the New York state line at Lawrenceville : *Provided also*, That the lands held by the said company shall be situate at or near Blossburg, in the county of Tioga.
- 2d Proviso.**
- 3d. Proviso.**

SECTION 2. That the coal lands, buildings and other estates whatsoever, necessary for constructing said railroad and for the carrying on of the said coal trade, which shall be on or before the first day of October next, conveyed or caused to be conveyed in fee simple to the said company, shall form a common stock and be divided into a convenient number of shares, and apportioned by the said corporation among the subscribers, according to their respective interest, for which certificates of stock shall be issued, and be assignable and transferable in such way and subject to such conditions as the said corporation may from time to time prescribe, and the said shares of stock so created shall be, for all legal purposes whatever, deemed and treated as personal estate.

Coal lands &c to form a common stock.

Certificates transferable.

SECTION 3. That the better to construct a railroad, and to carry on the business of mining, coking, transporting and selling coal, and generally to meet the charges and expenses incident thereto, there shall be paid by every stockholder as aforesaid, for each and every share held by or

Of instal's to be paid in money.

belonging to him, her or them, such assessment as the stockholders in general meeting may deem expedient and proper, to be payable in such instalments as they may require, which said instalments when called for, besides being a debt due from the original stockholder and his assigns respectively, shall remain a charge or lien on the said several shares until the same be fully paid, and every instalment so paid shall be considered as forming an integral part of the said shares, respectively: *Provided*, That the whole amount of the monied capital, so as aforesaid levied and collected by the said company, shall not exceed one hundred and fifty thousand dollars: *And provided also*, That it shall not be lawful for the said company to interfere in any manner whatever with the waters of the Tioga river, or for the said company, or their workmen or agents, to enter on the estate of any person or persons without the license or consent of the owner, or in any manner injure or affect the rights of any person or persons without such license or consent: *And provided further*, That each and every stockholder be, in his individual capacity, liable for the debts and performance of all contracts entered into by said corporation, to the amount of the balance unpaid on the stock of such stockholder.

Proviso.

2d Proviso.

3d. Proviso.

SECTION 4. That for the well ordering of the affairs of the said corporation, there shall be chosen, by ballot, at such time and place as the stockholders in general meeting determine, and annually on the same day thereafter, by a plurality of the votes of said stockholders, five directors, a majority of whom shall be a quorum, who may appoint such officers or other persons as may be fixed by the by-laws, or as the said board of directors may think expedient, for the good ordering of the affairs of the said company, and in case of an equality of votes for two or more persons, the directors elected shall supply the deficiency by ballot, and the said board may also fill for the remainder of the year any vacancy that may occur by death, resignation or otherwise: *Provided*, That if the said election for directors shall not take place on any day on which the same ought to be held, it shall be lawful on any other day, as soon as may be, to hold the same in such manner as may be regulated by the by-laws of the said corporation: *And provided*, That no stockholder shall be entitled to vote on any stock which shall not have stood in his or her name at least ninety days preceding such elections, and no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, until such debt is discharged or security given for the same to the satisfaction of the board of directors.

Annual election and organization

Quorum.

Proviso.

2d. Proviso.

General
meeting of
the stock-
holders.

SECTION 5. That the board of directors, or any number of stockholders, being together the proprietors of not less than one-fourth of the whole stock, shall have the power for all the purposes relative to the corporation, to call a general meeting of the stockholders, giving at least twenty days notice thereof, to be served either personally or by public advertisement, in one of the newspapers printed in Philadelphia, and in two newspapers printed in Tioga county, and at all general meetings as well as at elections for directors, the number of votes each stockholder shall be entitled to shall be according to the following scale, viz : every share not exceeding five, shall have one vote, for every other five shares two votes, to be give in person or by proxy constituted in writing.

Ratio of
votes.

Dividends.

SECTION 6. That dividends of so much of the profits of the institution as shall appear advisable to the directors, shall be declared at least twice a year in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom ; but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired ; if the said directors shall make any dividend which shall impair the capital stock of said institution, the directors consenting thereto shall be liable in their individual capacities to the said company for the amount of stock so divided, and each director present when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend : *Provided*, That the amount of all dividends declared by said company shall be, annually, on or before the first of November, certified to the State Treasurer, under the oath of the president and one of the directors of said company, before some justice of the peace or judge of the court of the proper county, and a tax of eight per cent. on any excess that may accrue over and above a dividend of six per cent. on the capital invested, shall at the same time, be paid to the State Treasurer for the promotion of education.

Provis.

Right to
revoke
reserved.

SECTION 7. That the legislature reserve the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.
JOS. RITNER.

No. 67.

An Act

To incorporate the Parryville Bridge company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a bridge Commiss'rs over the Lehigh River, at Parryville, in the county of Northampton, John C. Parry, George Jenkins, Lewis S. Coryell, books.

John D. Bowman, Thomas Craig & William Lilly, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or before the first day of June next, provide Form of subscription.

book or books for the entering of subscriptions, and shall write therein as follows: We whose names are hereunto subscribed do promise to pay to the president and managers of the Parryville Bridge company, for erecting a bridge over the Lehigh river, at Parryville, in the county of Northampton, the sum of twenty dollars for each and every share of stock in the said company set opposite our respective names, in such manner and proportions and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly entitled "An act to incorporate the Parryville Bridge company; Witness our hands this day of in the year of our Lord, one thousand eight hundred and thirty- ;" and shall thereupon give notice, in two of the public newspapers printed in the counties of Northampton and Lehigh, of the times and places where and when the said books shall be opened to receive subscriptions, at which time and places Number of shares.

some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until five hundred shares shall be subscribed; and if five hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournments public notice shall be given in some one or more of the newspapers before mentioned: *Provided always,* That every person, on Proviso. entering his name in the said books as a subscriber, shall pay five dollars per share on each share he shall subscribe, as a

fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized; such first payment on each share to be taken and considered as a part payment on each share subscribed.

Letters
patent.

Name, style
and title.
Privileges.

SECTION 2. As soon as two hundred shares shall have been subscribed, the said commissioners, or the first two named, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing, to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe, under the provisions of this act, a body corporate and politic, by the name and style of the President and Managers of the Parryville Bridge company, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purpose of this act, in such manner and form as they may think proper, and of purchasing, taking and holding to them and to their successors and assigns, in fee simple or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organiza-
tion.

SECTION 3. The three persons first named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed in the counties of Northampton and Lehigh, of a time and place to be appointed, not less than twenty days from the time of issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy duly authorized, one president, four managers, one treasurer, one clerk and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share not exceeding five shares,

Proviso.

and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election or in determining any question arising at such meetings, whatever number of shares he may have subscribed. 2d. Proviso.

SECTION 4. A public meeting of the said stockholders shall be held on the first Monday in June next following the first election, had as aforesaid, and on the first Monday of June in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company. Annual election.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, five dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney, duly authorized, in the presence of the president, or of the treasurer for the time being, subject however to the payments due or that may grow due thereon, and the persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company. Certificates of stock. Of transfer.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting the business of the company, at which meeting three members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants and workmen as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and Meetings. Quorum. Minutes. Powers.

things as by this act or by the by-laws of the company shall be committed to them.

SECTION 7. If any stockholder, after thirty days notice in two public newspapers printed in the counties of Northampton and Lehigh, of the time and places appointed for the payment of any proportion, dividend or instalment of the said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

SECTION 8. Before the president and managers of the company aforesaid shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Northampton county, who, upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who, after being duly sworn or affirmed to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary, for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of lands so necessary to be taken as aforesaid, and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement, having been

Penalty for neglecting to pay instalments.

Forfeiture.

Mode of obtaining title to lands for the use of the bridge.

confirmed by the court, shall be filed in the prothonotary's office, together with the said map; and the said president, managers and company having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the costs of the appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

SECTION 9. The president and managers of said compa- Just acc'ts
ny, shall keep fair and just accounts of all monies received to be kept.
by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited as aforesaid, of all voluntary contributions and of all monies expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act, or Number of
their own by-laws, to increase the number of shares to such be increas-
extent as shall be deemed sufficient to accomplish the work, ed.
and to demand and receive the monies subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

SECTION 10. When the Parryville Bridge company shall have erected and completed a bridge at the place aforesaid, Tolls.
the property thereof shall be vested in the said company, and their successors and assigns, during and unto the end of forty years, to commence from the time when said bridge shall be completed, and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls as follows, viz: for every foot passenger one cent; for every carriage of whatever description, used for the purposes of the trade or agriculture, having four wheels and drawn by six horses, fifty cents; for such carriage, having four wheels and drawn by five horses, forty-five cents; for every such carriage, having four wheels and drawn by four horses, forty cents; for every such carriage, having four wheels and drawn by three horses, thirty cents;

for every such carriage, having four wheels and drawn by two horses, twenty-five cents ; for every such carriage, having four wheels and drawn by one horse, twenty cents ; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, one dollar ; for every such carriage, having four wheels and drawn by two horses, fifty cents ; for every such carriage, having four wheels and drawn by one horse, twenty-five cents ; for every carriage of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, thirty cents ; for every such carriage, having two wheels and drawn by three horses, twenty-five cents ; for every such carriage, having two wheels and drawn by two horses, twenty cents ; for every such carriage, having two wheels and drawn by one horse, twelve and a half cents ; for every chair or other two wheeled carriage of pleasure, and for every horse used therein, fifteen cents ; for every sleigh or sled drawn by four horses, thirty-seven and one half cents ; for every sleigh or sled drawn by three horses, thirty-one cents ; for every sleigh or sled drawn by two horses, twenty-five cents ; for every sleigh or sled drawn by one horse, twelve and one half cents ; for every horse, mare or gelding, with or without a rider, four cents ; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse ; for every head of horned or muley cattle, two cents ; for every head of sheep or swine, one cent : *Provided*, That any person or persons attending funerals, going to or returning from divine worship, all persons going to or returning from elections or military trainings, and students or children attending schools or seminaries of learning, shall at all times be exempted from the payment of any toll : *And provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons, desirous of using said bridge, for an annual sum in place of toll hereinbefore mentioned : *And provided also*, That when the toll shall exceed fifteen per cent. nett annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair ; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found adequate to the redemption of said bridge, so as to declare it free, (providing at the same time for its repairs,) then the said company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement,

Proviso.

2d. Proviso.

3d. Proviso.

Redemption
of the bridge.

by disinterested persons, to be chosen in such manner as directed by law ; but if the said bridge shall not be redeemed and paid for as a free bridge, at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same, on the terms of this act, beyond the said term, until the same shall be redeemed and paid for in the manner herein directed, or in some other manner as may be directed by the legislature.

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for the passing over the said bridge than what is hereinbefore prescribed, or shall neglect to keep the said bridge in repair, he or they shall forfeit and pay, for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half thereof to be paid to the directors of the poor of the county of Northampton, for the use of the poor of said county, and the other half to the person who shall sue for the same : *Provided always*, That no suit shall be brought in respect of this unless within fifteen days after the offence be committed : *And provided also*, That the judgment of the said justice, in any such case brought before him, shall be liable to reversion either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Penalty for
demanding
illegal toll
&c.

Proviso.

2d. Proviso.

SECTION 12. The said president, managers and company shall keep a just account of all monies received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing or the rebuilding of the said bridge, as time and accident may render necessary, and shall on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter, or as soon as the same shall be demanded.

Dividends.

SECTION 13. It shall and may be lawful for the president Authority to and managers, their superintendents, surveyors, engineers, enter upon artists and hands, when so directed or authorized by the president or managers, to enter in and upon all the lands, tenements and enclosures for the purpose of examination and location.

lands.

Penalty for neglecting to collect instalments. SECTION 14. If the said president and managers shall refuse or neglect to enforce the collection and payment of the instalments required of stockholders, agreeably to the seventh section of this act, the said president and managers for the time being, shall be held personally liable for any loss that may accrue to the said company from such refusal or neglect : *Provided always*, That if any of the said managers shall dissent from the proceedings of said board, in relation to the duties required by this section, and shall record their dissent upon the minutes of the board, and notify the Governor of such proceeding, such managers so dissenting shall be exonerated from the liabilities which would otherwise be incurred under the provisions of this section.

Proviso.

Penalty for injuring bridge. SECTION 15. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars or other property of the said corporation, erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures, in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending shall, each of them, forfeit and pay for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman as debts of like amount are recoverable, and he, she or they so offending shall remain liable to actions at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages : *Provided always*, That no such suit shall be brought unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law.

Proviso.

Banking prohibited. SECTION 16. The said company shall not have power to issue any note or notes in the nature of bank notes, or to make discounts or receive deposits after the manner of any bank or banks, or to do or conduct any other business in the nature of banking business ; and in case they should do so, contrary to the provision of this section, then their chartered privileges shall be null and void.

Time for commencing and completing the work. SECTION 17. If the president, managers and company for erecting the bridge aforesaid, over the Lehigh river, shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passing thereof complete the

same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.

SECTION 18. Any railroad company, incorporated by the legislature of this state, whose road is located within or partly within the counties of Northampton and Lehigh, shall be authorized to subscribe to the stock of the Parryville Bridge company; and the legislature shall have power to alter the rates of toll fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary, for the well being of the company or the community at large.

Certain R.R. Co's authorized to subscribe to the stock of the Parryville Bridge Co.

SECTION 19. That it shall be the duty of the Supreme Court of this commonwealth, to fix a time or times for holding, and hold a special Circuit Court or Courts, in the county of Montgomery, for the purpose of trying two suits or actions wherein the Beaver Meadow Railroad and Coal company are plaintiffs, and the Lehigh Coal and Navigation company are defendants, brought in the Court of Common Pleas of Montgomery county, to the Term of August, in the year of our Lord one thousand eight hundred and thirty-six, and which shall be removed into such Circuit Court for trial, before one or more judges of the said Supreme Court, and the whole proceedings in such special Circuit Court or Courts, shall be conducted in the manner prescribed by the several acts of assembly in relation to Circuit Courts, which were in force on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight, with the right of appeal by either party to the Supreme Court, as provided for by those acts; and either party shall be entitled to a struck jury and view in the same manner as is usual in actions of ejectment where boundaries are in question, and the costs of summoning the jurors and the jurors pay, shall be paid by the county of Northampton, as if the cause had been there instituted.

Supreme Court directed to hold a special Circuit Court in Montgomery co. to try two suits between the Beaver Meadow R. R. & Coal Co. plaintiffs, and the Lehigh Coal & Nav. Co. defendants.

WHEREAS, an action of ejectment, instituted as of July Term, one thousand eight hundred and thirty-five, No. —, in the Court of Common Pleas of Schuylkill county, by Anthony F. Miller, plaintiff, against Samuel Brooke, John Schall, John Dreher, James Cresson, John H. Cresson and others, defendants, was removed to the county of Lehigh, by virtue of an act of assembly, entitled, "An act authorizing the removal of a certain action of ejectment, brought by Anthony F. Miller against Samuel Brooke, John Dreher, James Cresson, and others, which is now pending in the court of Schuylkill county to an adjacent county for trial," approved on the twenty-ninth day of March, one thousand

Preamble relating to the removal of an action of ejectment brought by A. F. Miller against S. Brooke and others.

eight hundred and thirty-six: *And whereas*, it is represented to the legislature that a great excitement prevails in the said county of Lehigh in relation to the said cause, and that a fair and impartial trial thereof cannot be had in the said county: Therefore,

The suit to be removed from Lehigh to Northampton co. for trial. SECTION 20. The action of ejectment originally brought to July term, one thousand eight hundred and thirty-five, No. —, in the court of Common Pleas of Schuylkill county, wherein Anthony F. Miller is plaintiff, and Samuel Brooke, John Schall, John Dreher, James Cresson, John H. Cresson and others, are defendants, be, and the same is hereby removed from the county of Lehigh to the county of Northampton, and the trial of said suit, and all other proceedings, shall be had therein in the same manner as if the suit had been originally brought in said county, and in like manner as other suits properly brought in said county are prosecuted: *Provided*, That all expenses incurred by the county of Northampton, in relation to this trial, shall be refunded to said county by the commissioners of Schuylkill county, after being taxed and allowed by the court of Common Pleas of the said county of Northampton; and that from and after the passage of this act, it shall and may be lawful for either party, in the action of ejectment now pending in the Court of Common Pleas of the county of Schuylkill, wherein Hammond Dugan, Frederick James Dugan, and John Spear Smith, are plaintiffs, and Henry W. Conrad and others defendants, to remove the same into the court of such other adjoining county, in another judicial district, as shall be approved by the court of Common Pleas of Schuylkill county, which action so removed shall be proceeded in by the proper court in like manner, and subject to like rules and proceedings, as if it had remained in the court in which it was originally brought, and upon final judgment, testatum habere facias possessionem and testatum executions may issue as in other cases: *Provided*, That the plaintiffs or defendants so removing, or some one on their behalf, shall first take and subscribe an oath or affirmation, before an authorized person, to be filed of record with the cause, that such removal is not made for the purpose of delay, but because he or they firmly believe a fair and impartial trial cannot be had in the said county of Schuylkill.

Proviso. Ejectm't action between H. Dugan & others, plffs., and H. W. Conrad and others, defts. to be removed from Schuylkill co. to an adjoining county.

Proviso. Ejectm't action between H. Dugan & others, plffs., and H. W. Conrad and others, defts. to be removed from Schuylkill co. to an adjoining county.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 68.

An Act

To authorize the Auditor General to institute suit for the collection of any balance which may be found due from Lawrence L. Minor, late Clerk of the Senate, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Auditor General be, and he is hereby authorized and required to collect from Lawrence L. Minor, late Clerk of the Senate, any balance or sum of money which is due from him, received on warrants drawn by the Speaker of the Senate, and not accounted for by the said Lawrence L. Minor, as clerk, as aforesaid; and the Auditor General is hereby vested with full power and authority to bring suit in the name of the commonwealth against the said Lawrence L. Minor, and to have and use all lawful ways and means for the recovery of whatever sum may be due as aforesaid.

Suit to be
instituted by
the Auditor
General.

SECTION 2. That the Clerks of the Senate and House of Representatives of this commonwealth, elected after the passage of this act, shall, before entering upon the duties of their respective offices, each enter into a bond to the commonwealth of Pennsylvania, with two or more good sureties each, to be approved by the Speaker of the respective houses, in the sum of five thousand dollars, for the faithful execution of the several trusts reposed in them as clerk, and for the faithful disbursement of all monies which may come to their hands, which bonds shall be filed in the office of the Auditor General.

Clerks of the
Senate and
H. of Rep. to
enter into a
bond with
sureties in
\$5000 to the
Comm'l'wth.

SECTION 3. That the State Treasurer be, and he is hereby authorized and directed to pay to Peter Slothour, or his order, eighteen dollars, with interest from the eighth day of August, one thousand eight hundred and nine, it being money overpaid into the land office by said Peter Slothour, on the said eighth day of August, eighteen hundred and nine, through a mistake of the officers of that department.

Gov. to
appoint
interpreter
for courts
of the city of
Pittsburg &
Allegh'y Co.

SECTION 4. That the Governor of this Commonwealth be, and he is hereby authorized to commission an interpreter of the German and French languages, for the several courts of the city of Pittsburg and the county of Allegheny, whose translation of the testimony of witnesses is to be given under the sanction of an oath or affirmation, and to be subject

to the same rules of evidence as in ordinary cases ; for the services of said commissioners, the party by whom the said commissioner is called shall be required to pay him the sum of two dollars per diem for each and every day he is in attendance upon the court, the amount of fees thus paid to be taxed with the costs of the case, and to be paid as other costs, and that the several sworn interpreters of foreign languages, appointed in the city and county of Philadelphia, shall be entitled to receive the same fees, to be taxed in the same manner as above provided.

Rel'e to the
costs & suits
brought by
or against
Canal and
Railroad Co's

SECTION 5. That from and after the passing of this act, all and every suit or action now pending, or that may hereafter be brought by or against any canal or railroad company, in any of the courts of this commonwealth, and which now are or hereafter shall be removed into a court of any other adjacent county, by virtue of the act of the fourteenth April, eighteen hundred and thirty-four, relative to suits brought by and against canal & railroad companies, the costs and expenses thereof shall be borne and paid by the county in which such suit or action was brought, and that in all cases where the venire of any suit now depending has been or may be changed, and where the venire of any suit hereafter to be instituted may be changed, and where suits are directed to be brought in any particular county, the costs of summoning the jury and the pay of the jurors shall be borne by the county in which the cause of action originated.

How the
costs shall be
recovered.

SECTION 6. It shall and may be lawful for the county commissioners of the county into which any suit or action now is or hereafter may be removed, by virtue of the above recited act, to ask, demand, sue for, recover and receive of the commissioners of the county from which the same may or shall be removed, all the costs and expenses incurred by the county to which the same may have been removed, as aforesaid.

Minutes of
the Council
of the Pro-
prietary Go-
vernment—
printing to
be continued
and how.

SECTION 7. That the Secretary of the Commonwealth be, and he is hereby authorized and required to continue the printing of the Minutes of the Council of the Proprietary Government, down to the period of the Revolution, on the plan by him proposed, in his report to the legislature of the thirtieth of January last, and to include the other public records and documents therein mentioned, to be added as appendixes to each volume, to the number of fifteen hundred copies.

Secretary to
purchase
certain co-
pies.

SECTION 8. That the Secretary be, and he is hereby authorized to purchase of the printer, for the use of the state, the five hundred copies of the first volume which he has printed over and above the one thousand copies directed by

the act entitled A supplement to the act entitled an act to authorize the printing and distribution of the pamphlet laws in the German language, and for other purposes, passed Anno Domini one thousand eight hundred and thirty-seven.

SECTION 9. That one thousand out of the fifteen hundred 1000 copies of the work directed to be printed and purchased, be to be disposed of by a subscription to be opened at the several county treasuries of the commonwealth, at the price of one dollar and sixty cents per volume, the proceeds whereof shall be applied to the continuation of the work and to the binding of the volumes. subscription.

SECTION 10. That one thousand one hundred and forty-six dollars and twenty-five cents, be, and the same is hereby \$1,146 25 appropriated for purchasing the additional five hundred copies, and carrying on the work, in addition to the appropriation of last year, until the proceeds of the subscription shall come into the treasury.

SECTION 11. That the Secretary be, and he is hereby authorized to employ a clerk to aid him in the prosecution of the work, at a salary of eight hundred dollars per annum, to be charged on the treasury, and to be paid to him from the time that he has begun to be so employed. Clerk to be employed,

SECTION 12. That two hundred copies of said Minutes, 200 copies to be placed in the hands of the Governor to be by him distributed among learned societies and public libraries, in other states of this Union, at his discretion; that five copies shall be presented to the American Philosophical Society, five to the Historical Society, five to the Philadelphia Library, two to the Philadelphia Athæneum, one copy to each of the several colleges and public libraries in the state, one to each of the members and clerks of the present and last legislatures, and that five copies shall be deposited in the State Library, and one copy in each of the record offices of the commonwealth. the hands of the Gov'r for distribution.

SECTION 13. That the third section of the supplement to the act entitled, An act to authorize the printing and distribution of the pamphlet laws in the German language, passed January twenty-third, A. D., one thousand eight hundred and thirty-seven, and for other purposes, be, and the same is hereby repealed. Repeal.

SECTION 14. That the Surveyor General is hereby authorized and required, as soon as convenient after the passage of this act, to make out and deliver to the deputy surveyor of Butler county, certified copies of drafts of so much of the first and second donation districts of land of Elder's, Cunningham's, Jones', Nicholson's and Alexander's districts, of depreciation lands as are situate within the county of Butler county. Surveyor Gen'l to deliver certain drafts of lands to the deputy surveyor of Butler county.

Butler, which drafts, when so certified, shall be kept in the office of the deputy surveyor of said county, as other official papers are kept, and in the same manner delivered over to his successor in office, and shall be received in evidence as other surveys are received, under the certificate of the Surveyor General and his seal of office: *Provided*, That the expenses of making of the said drafts shall be paid by the county of Butler.

Proviso. SECTION 15. That the time for which indigent pupils of Blind—time this commonwealth may be taught in the Pennsylvania Institution for the Instruction of the Blind, at the expense of the instruction extended. commonwealth, is hereby extended to eight years from the time of entering said institution.

State road from Jos. Crafford's to Linkstown. SECTION 16. That William Guy, Robert Potter, and Andrew Miller, be, and they are hereby appointed commissioners to view, lay out, locate and mark a State road from the house of Joseph Crafford in Washington county, to Linkstown in Allegheny county.

Commiss'rs to be sworn or affirmed. SECTION 17. That it shall be the duty of the above named commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit.

How road to be laid out. SECTION 18. That it shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out or reviewed as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized, if necessary, to employ two chain bearers and one axe man, at a per diem allowance not exceeding one dollar.

Route to be marked. SECTION 19. That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the crossing of county and township lines, roads and waters, with such other matters as may serve for the explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or

Draft of road.

before the tenth day of September next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

SECTION 20. That the compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners, for their own pay and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively.

Compensat'n
of the com-
missioners
and others.

Acc'ts to be
adjusted and
paid.

SECTION 21. That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by them laid out, on the first Monday of June next, or sooner as may best suit their convenience, and complete the location of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Time and
place of the
meeting of the
commiss'rs.

SECTION 22. That it may be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county.

Releases.

SECTION 23. That the Governor of this commonwealth be and is here by authorized, to have prepared standards of weight, measure and capacity, specified in the act of assembly, passed April fifteen, eighteen hundred and thirty-four, and that he be authorized to carry into effect the provisions of said act as soon as practicable.

The Gov. to
have prepar-
ed standards
of weight,
measure,
&c.

SECTION 24. There shall be and is hereby established, in the borough of Gettysburg, in the county of Adams, a Female seminary or public school for the education of female youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of

Gettysburg
Female
Academy es-
tablished and
incorporated

- the Gettysburg Female Academy ; the said academy to be under the management, direction and government of a board of trustees, not exceeding nine in number, five of whom shall be a quorum for the transaction of business ; the trustees are the following named persons : John B. McPherson, James A. Thompson, R. G. Harper, Ja's C. Watson, Samuel S. Schmucker, Thaddeus Stevens, David Horner, John Macfarlane, Wm. McClellan, which said trustees and their successors, to be elected as hereinafter mentioned, from among the holders of stock in said seminary, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of the Gettysburg Female Academy," by which name and title the said trustees and their successors, shall be able and capable, at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever:
- Quorum.**
- Trustees.**
- Name style and title.**
- Proviso.** *Provided,* The same does not exceed in the whole the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest or otherwise dispose of, or invest for the use of the stockholders in said seminary, in such manner as to them or at least a quorum of them shall seem most beneficial to the institution; and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said seminary and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate have power to manage their own concerns.
- Seal.** SECTION 25. The said trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass and be authenticated, and the same seal, at their pleasure, may break and alter and devise a new one.

SECTION 26. There shall be a meeting of said trustees Annual held once in every year at least, at Gettysburg, at such meetings of time as the said trustees or a quorum of them shall appoint, the trustees. of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day, said trustees shall have the power of making and enacting ordinances for Powers. the government of the said seminary, of electing trustees from among the holders of stock in the seminary as aforesaid, in the place and stead of those who shall resign or die, of electing and appointing the teachers of the said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils or other persons thereat, and generally at any annual, adjourned or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees : *Provided*, That no ordinances or regulation shall be of Proviso. any force which is repugnant to the constitution and laws of the United States or of this commonwealth

SECTION 27. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees, for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof to such pupils of the seminary and others, who, by their proficiency in learning or other distinction they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates, certificates under their common seal. Teacher's powers.

SECTION 28. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, teacher, tutor or pupil, be refused Persons of every religious denomination admittance into said seminary, or denied any of the privileges, immunities or advantages thereof for or on account of his sentiments in matters of religion. eligible.

Misnomer SECTION 29. No misnomer of the said corporation shall
not to defeat defeat or annul any gift, grant, devise or bequest to or
bequest. from said corporation : *Provided*, That the intent of the
Proviso. parties shall sufficiently appear upon the face of the gift,
grant, will or other writing, whereby any estate or interest
was intended to pass to or from said corporation.

Right to SECTION 30. The legislature reserves the right to revoke
revoke. alter or annul the charter hereby granted at any time they
may think proper.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED.—The fourteenth day of April, one thousand
eight hundred and thirty-eight.

JOS. RITNER.

—•••••

No. 69.

An Act

To incorporate the Washington Female Seminary, in the borough
of Washington, in the county of Washington, and for other pur-
poses.

Washington SECTION 1. *Be it enacted by the Senate and House of*
Female *Representatives of the Commonwealth of Pennsylvania, in*
School erect- *General Assembly met, and it is hereby enacted by the au-*
ed into a *thority of the same*, That the Female School in the borough
Seminary. of Washington, in the county of Washington, be and hereby
is erected into a Seminary for the education of female youth
in the arts, sciences and useful literature.

Manage- SECTION 2. The said seminary shall be under the manage-
ment. ment, direction and government of a number of trustees not
Quorum. exceeding nine, five of whom shall be a quorum, or a board
for the transaction of business.

Trustees SECTION 3. The trustees of said seminary shall consist of
incorporated. the following named persons, to wit: David McCon-
aughey, F. Julius Lemoyne, John Wishart, John Grayson,
Joseph Lawrence, John L. Gow, Jacob Slagle, Robert R.
Reed and John Marshall, which said trustees and their suc-
cessors, to be elected as hereinafter mentioned, from among
the holders of stock in said seminary, shall be, and they are
hereby erected, established and declared to be a body politic
and corporate with perpetual succession, and with all the

incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of the Washington Female Seminary," by Name style which name and title the said trustees and their successors, & & title. shall be able and capable, at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever: *Provided*, Proviso. The same does not exceed in the whole, the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and place out on interest or otherwise dispose of, or invest for the use of the stockholders in said seminary, in such manner as to them, or at least a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said seminary, and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate, have power to manage their own concerns.

SECTION 4. The said trustees shall cause to be made, for Seal. their use, one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure may break and alter and devise a new one.

SECTION 5. There shall be a meeting of said trustees held Annual meeting of the trustees. once in every year at least, at Washington, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting those present shall have the power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the Powers. government of the said seminary, of electing trustees from among the holders of stock in the seminary, as aforesaid, in the place and stead of those who shall resign or die, of electing and appointing the teachers of the said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances

of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils or other persons thereat, and generally, at any annual, adjourned or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulations shall be of any force which are repugnant to the constitution and laws of the United States or of this commonwealth.

Proviso.

Teacher's powers.

SECTION 6. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof, to such pupils of the seminary and others, who, by their proficiency in learning or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal.

Persons of every religious denomination eligible.

SECTION 7. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, teacher, tutor or pupil, be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion.

Misnomer not to defeat bequests. Proviso.

SECTION 8. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Right to revoke.

SECTION 9. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

Trustees authorized to sell certain lands.

SECTION 10. That the trustees of the Venango Academy are hereby authorized to sell and convey a certain tract of land, situated in the county of Venango, containing about five hundred and eleven acres, and two out-lots in the

borough of Franklin, belonging to said institution ; and said property, when sold, to convey to the purchaser thereof by a good and sufficient deed, in fee simple, to be signed by said trustees or a majority of them.

SECTION 11. Before any sale shall be made of said property, or any part thereof, the same shall be advertised in at least one public newspaper printed in the borough of Franklin, for at least thirty days before the time fixed for the sale thereof, particularly describing the property to be sold, the time when and place where and the terms of sale, and said sale shall be made at the court house in the borough of Franklin, by public vendue or outcry, to the highest bidder, on the day fixed in said notice, unless the trustees shall think it necessary or expedient to adjourn said sale, in which case like notice shall be given of the adjournment of said sale, and the same be made in like manner at the place aforesaid.

SECTION 12. Said property shall be sold on the terms of one third cash at the time of sale, the balance in equal instalments of one and two years, and the purchase money to be well secured by mortgage, and also by a bond with sufficient security, to be approved by the court, payable to the trustees of said academy.

SECTION 13. Said trustees may either sell the whole of said tract of land together, or divide the same into such lots as they shall believe will bring the best price, and in like manner shall have power to divide the out-lots aforesaid, and the deeds to be made to the purchasers, respectively, shall be acknowledged in the court of Common Pleas of the county of Venango, which is hereby authorized and required to receive proof of all the requisites of this act of assembly having been complied with before any acknowledgment of said deed, and for want of due proof thereof, or for any unfairness in the sale, the court may set aside the same at their discretion, and order another public sale of said property, and on the court receiving the acknowledgement of said deed, the same shall be most available in law to pass the title to the purchaser, in fee simple forever ; and the acknowledgment shall be certified and entered as sheriff's deed are certified and entered.

SECTION 14. One half the money arising from the sale of said property may be appropriated to erecting new and additional academy buildings, or repairing the one already erected, at the option of the trustees, and such part thereof as shall not be used for said purpose shall be placed out at interest, and secured for the use of said institution, in the same manner that is hereby directed as to the other half of

Proviso.

said purchase money, which the said trustees are hereby required to put out at interest for the permanent use of said institution, for the purpose of endowing the same, and to have the money so loaned well secured on real property, and the interest payable half yearly: *Provided*, That if the commissioners of the county of Venango desire to borrow said money, or any part thereof, the trustees of said academy are required to lend the same to said county, and to take a bond of the commissioners, obligatory on the county, for the amount thereof, with interest payable as before directed, and all the monies arising from the sale of the aforesaid property shall be settled and accounted for by the trustees of said academy, annually, in the same manner as is required by law as to other money granted by the state to said institution.

Brownsville
Female
School erected
into a
Seminary.

SECTION 15. That the Female School in the borough of Brownsville, in the county of Fayette, be and hereby is erected into a Seminary for the education of female youth, in the arts, sciences and useful literature.

Manage-
ment.
Quorum

SECTION 16. The said seminary shall be under the management, direction and government of a number of trustees, not exceeding nine, five of whom shall form a quorum or a board for the transaction of business.

Trustees in-
corporated.

SECTION 17. The trustees of said seminary shall consist of the following named persons, to wit: William Hogg, Hugh Keys, Reverend L. N. Freeman, Henry J. Rigdon, Henry Swirtzer, Westly Frost, Robert Clarke, James McSherry and Eli Abrams, which said trustees and their successors, to be elected as hereinafter mentioned, from among the holders of stock in said seminary, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of the Brownsville Female Seminary," by which name and title the said trustees and their successors shall be able and capable, at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever: *Provided*, The same does not exceed in the whole the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest or otherwise dispose of, or invest

Name, style
and title.

Proviso.

for the use of the stockholders in said seminary, in such manner as to them, or at least a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said seminary, and by the same name to sue, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate have power to manage their own concerns.

SECTION 18. The said trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure, may break and alter and devise a new one. Seal.

SECTION 19. There shall be a meeting of said trustees held, once in every year at least, at Brownsville, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting those present shall have the power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the government of the said seminary, of electing trustees from among the holders of stock in the seminary, as aforesaid, in the place and stead of those who shall resign or die, of electing and appointing the teachers of said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils or other persons thereat, and generally, at any annual, adjourned or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinances or regulation shall be of any force which is repugnant to the constitution and laws of the United States or of this commonwealth. Annual meeting of the trustees.
Powers.
Proviso.

Teacher's
powers.

SECTION 20. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof, to such pupils of the seminary and others, who, by their proficiency in learning or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal.

Persons of
every reli-
gious de-
nomination
eligible.

SECTION 21. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, teacher, tutor or pupil, be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion.

Misnomer
not to defeat
bequests.
Proviso.

SECTION 22. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Right to
revoke.

SECTION 23. The legislature reserves the right to revoke, alter or annul the charter hereby granted at any time they may think proper.

Law Acad'y
of Philad'a
incorporated

SECTION 24. That the members of the Law Academy of Philadelphia, and such other persons, whether minors or adults, as may hereafter become members of the same, shall be and are hereby declared to be a body politic and corporate, by the name, style and title of the Law Academy of Philadelphia, to have perpetual succession, to have power to take, hold and dispose of all manner of property, real and personal, to sue and be sued, contract and be contracted with, to use a common seal, and to alter, destroy and renew the same at pleasure, and to do all other acts and enjoy all other powers incident to similar corporations in general, under the laws of this commonwealth.

Officers.

SECTION 25. The officers of said corporation shall be such as said corporation may think necessary, who shall be elected at such times and in such manner as the rules and by-laws of the corporation may direct.

Powers.

SECTION 26. The said corporation shall have power and authority to make such rules and by-laws as shall be necessary for the government and the promotion of the interests of the said corporation: *Provided*, That no rule or by-law, as

Proviso.

aforesaid, shall be valid if inconsistent with the constitution and laws of this state or of the United States.

SECTION 27. The present officers of the said corporation shall continue in their respective stations until an election shall be had under this act, and the rules and by-laws now in force, shall be good and valid until altered, amended or abrogated by the corporation.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 70.

An Act

To incorporate the Sugar Loaf Coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James S. Spencer, Lardner Vanuxem, James B. Porter, John Troubat, Jr., Sansom W. Trotter, William A. Budd, John L. Newbold, Albert G. Waterman, Richard Morris, Richard Peltz, Joseph B. Smith, Benjamin T. Biorea, William J. Crans, Joel B. Sutherland, Alex^r. M. Peltz, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name, style and title of the Sugar Loaf Coal company, for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market, and selling of coal and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided,* That nothing herein contained

shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided also*, That each stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholder.

Company
may hold
2000 acres
of land.

SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land at any one time, the whole to be within Sugar Loaf township, in the county of Luzerne, in the commonwealth of Pennsylvania, and the same, or any part thereof to sell or otherwise dispose of as the interest of the company may require: *Provided*, That the said company may hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient, as places of deposite in the transportation and sale of the products of their mines.

Proviso.

Capital
stock.

How to be
employed.

SECTION 3. The capital stock of said company shall be and consist of two hundred and fifty thousand dollars, and shall be divided into five thousand shares of fifty dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid, of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

Letters pa-
tent.

SECTION 4. When the above named James S. Spencer, Lardner Vanuxem, James B. Borter, John Troubat, jr., Sansom W. Trotter, William A. Budd, John L. Newbold, Albert G. Waterman, Richard Morris, Richard Peltz, Joseph B. Smith, Benjamin T. Bioren, William J. Crans, Joel B. Sutherland, Alexander M. Peltz, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital, aforesaid, in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and the seal of the state, create and erect the said James S. Spencer, Lardner Vanuxem, James B. Porter, John Troubat, jr., Sansom W. Trotter, William A. Budd, John L. Newbold, Albert G. Waterman, Richard Morris, Richard Peltz, Joseph B. Smith, Benjamin T. Bioren, William J. Crans, Joel B. Sutherland, Alexander M. Peltz and their associates, successors and assigns,

into one body corporate, by the name, style and title of the Sugar Loaf Coal company.

SECTION 5. The affairs of the said company shall be managed by seven directors, to be chosen annually from the stockholders ; the first election shall be held in the city of Philadelphia, within thirty days after letters patent, afore-said, shall have been issued, of which election public notice shall be given by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the city of Philadelphia, and the subsequent elections shall be held, annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall, in like manner, be given by the president of said company, or by any five of the directors : *Provided*, That in the event of a failure to hold such election the former directors may continue in office for a period not exceeding six months, or until such election shall be held. Annual election. Proviso.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say : for each share and not exceeding four shares, one vote ; for every two shares above four and not exceeding ten, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; for every twenty shares above one hundred, one vote ; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as an executor or administrator trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member ; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled *An act to regulate proxies.* Ratio of votes.

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year ; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election ; at all meetings of the board four directors shall form a quorum to transact business. President & other officers

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof in at least one newspaper printed in the county of Luzerne, and two daily newspapers printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed, and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Penalty for neglecting to pay instalments.

Forfeiture.

Proviso.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired; and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends, into the treasury of the state, for the purposes of education, and the president or secretary

Dividends.

Proviso.

of said company, shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

SECTION 10. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them, or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary, for the construction and completion of a railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber, for the construction and completion of the said road or roads, until the rate of compensation for injury sustained, or to be sustained, by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained by six suitable and disinterested persons, to be by them chosen, to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointment within twenty days after requisition made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine and estimate the injury or damages, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court, within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of said viewers and appraisers to take into consideration, in estimating such injury or damage, the advantages to be derived by said owner or owners of said lands by

Damages
how and
when to be
estimated
and paid.

Proviso. means of said railroad or railroads : *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

Service of legal process SECTION 11. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Power to construct railroads. SECTION 12. The company hereby incorporated shall have power to construct railroads, with one or more tracks, from any point or points on their lands, to intersect the Hazleton Coal company's railroad, at such places as they may deem most convenient, or any other railroad leading to the state improvements or works connected therewith : *Provided*,

Proviso. That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with said railroad or railroads from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal, or produce upon said railroad or railroads, subject to the payment of the following rates of

Tolls. toll, that is to say : on each ton of produce, coal, or other minerals, or of any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and one half cents per ton per mile ; on each horse, not employed in drawing a carriage or car on which toll is charged, one cent per mile ; on each horse and its rider not exceeding one cent per mile ; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile ; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton, and all fractions of half a mile in distance to be rated at half a mile ; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals, transported on said road or roads, in consideration of which he shall, at all reasonable times when so requested, exhibit to any person or persons interested therein, the account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward, and

that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines, Empty coal and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the cars. main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open for the uninterrupted passage of the cars of every person desiring to travel thereon.

SECTION 13. This act shall continue and be in force until Continuance the first day of May, in the year of our Lord one thousand of act. eight hundred and fifty eight : *Provided*, That it shall be *Proviso*. lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

—
We do hereby certify, that the bill entitled “An act to incorporate the Sugar Loaf Coal company,” was presented to the Governor on Monday the second day of April, one thousand eight hundred and thirty-eight, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

FR. R. SHUNK,

Clk. H. R.

GEO. W. HAMERSLY,

Clk. of the Senate.

Harrisburg, April 16, 1838.

—•••••
No. 71.

An Act

To incorporate the Plymouth Coal company.

SECTION 1: *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

	<i>General Assembly met, and it is hereby enacted by the authority of the same, That Henderson Gaylord, Francis J. Smith, John R. Dean, and C. A. Reynolds, Jameson Harvey, Asher Miner, Benjamin T. Bioren, Truman N. Hubbell, William A. Martin, Joseph B. Haines, Noah Wadhams, John Nesbitt, Daniel Davenport, and their associates, successors and assigns, be, and they are hereby constituted a</i>	
Corporators.	<i>body corporate and politic, by the name, style and title of the "Plymouth Coal company," for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market and selling of coal, and the other products of coal mines; and the said corporation by the said name is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic:</i>	
Name, style and title.	<i>Provided, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: And provided also, That each stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholder, so that the whole capital stock of the said company, whether paid in or not, shall be liable for the said debts and contracts.</i>	
Privileges.		
Seal.		
Proviso.		
2d. Proviso.		
Comp'y may hold 2000 acres of land.	SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land at any one time, the whole to be within the townships of Kingston and Plymouth, in the county of Luzerne, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of, as the interest of the company may require: <i>Provided, That the said company may hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient as places of deposite in the transportation and sale of the products of their mines.</i>	
Proviso.		
Capital stock.	SECTION 3. The capital stock of said company shall be and consist of three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any,	

thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite, for the purposes aforesaid, of the company; and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

SECTION 4. When the above named Henderson Gaylord, Francis J. Smith, John R. Dean, C. A. Reynolds, Jameson Harvey, Asher Miner, Benjamin T. Bioren, Truman M. Hubbell, William A. Martin and Joseph B. Haines, Noah Wadhams, John Nesbitt, Daniel Davenport, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing lands, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and the seal of the state, create and erect the said Henderson Gaylord, Francis J. Smith, John R. Dean, C. A. Reynolds, Jameson Harvey, Asher Miner, Benjamin T. Bioren, Truman M. Hubbell, William A. Martin and Joseph B. Haines, Noah Wadhams, John Nesbitt, Daniel Davenport, and their associates, successors and assigns, into one body corporate, by the name, style and title of the Plymouth Coal company.

SECTION 5. The affairs of the said company shall be managed by seven directors, to be chosen annually, from the stockholders; the first election shall be held in the township of Kingston or Plymouth, county of Luzerne, within thirty days after letters patent, aforesaid, shall have been issued, of which election public notice shall be given, by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, and the subsequent elections shall be held, annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any five of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to

to the number of shares held by said stockholder, in the proportion following, that is to say : for each share and not exceeding four shares, one vote ; for every two shares above four and not exceeding ten, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled An act to regulate proxies.

President &
other officers

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president to serve for one year, they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election ; at all meetings of the board four directors shall form a quorum to transact business.

Penalty for
neglecting
to pay instal-
ments.

SECTION 8. The directors may from time to time call in, on thirty days notice thereof in at least two newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof, at any one time and place appointed ; and if any instalment on the stock, so called in, shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment ; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same, or in default of payment, by any stockholder, of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought

Forfeiture.

Before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting. Proviso.

SECTION 9. Dividend of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided, and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That whenever the dividends shall exceed eight per cent. per annum, the said company shall pay a tax of six per cent. on all such dividends, into the treasury of the state, for the purposes of education, and the president of said company shall, annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year. Proviso.

SECTION 10. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road or roads, until the rate of compensation for injury sustained, or to be sustained, by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot Damages,
how and
when to be
estimated.
and paid.

agree thereon, shall be ascertained in the following manner, by six suitable and disinterested persons, to be by them chosen to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointments within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine and estimate the injury or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court, within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damages, the advantages to be derived by said owner or owners of said lands by means of said railroad or railroads: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

Proviso.

Service of
legal process

SECTION 11. Any legal process, served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Power to
construct
railroads.

SECTION 12. The company hereby incorporated shall have power to construct railroads with one or more tracks, from any point or points on their lands to intersect the North Branch Canal, Nanticoke Pool and the Lehigh and Susquehanna Railroad, at such places as they may deem most convenient, or any other railroad leading to the state improvements, or works connected therewith: *Provided*,

Proviso.

That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with said railroad or railroads from their

said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll, that is to say: on each ton of produce, coal or other minerals, or any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and one half cents per ton per mile; on each horse, not employed in drawing a carriage or car on which toll is charged, one cent per mile; on each horse and its rider not exceeding one cent per mile; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton; and all fractions of half a mile in distance to be rated at half a mile; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals transported on said road or roads, in consideration of which he shall, at all reasonable times, when so requested, exhibit to any person or persons interested therein the, account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward, and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines, and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads; and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

SECTION 13. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and fifty-eight: *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

We do hereby certify, that the bill entitled "An act to incorporate the Plymouth Coal company," was presented to the Governor on Friday the thirtieth day of March, one thousand eight hundred and thirty-eight, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

FR. R. SHUNK,

Clk. H. Rep.

GEO. W. HAMERSLY,

Clk. of the Senate.

Harrisburg, April 16, 1838.

No. 72.

An Act

To incorporate the Wyoming Coal company.

<p>Corporators.</p> <p>Name, style and title.</p> <p>Privileges.</p> <p>Seal.</p> <p>Proviso.</p>	<p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.</i> That George M. Hollenback, Charles Miner, Ebenezer W. Sturdevant, Charles D. Shoemaker, Alexander Lockhart, Samuel Holland, Alexander McClean, James Broaderick, John N. Conyngham, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name, style and title of the "Wyoming Coal company," for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market and selling of coal, and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic: <i>Provided</i>, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the</p>
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true intent and meaning of this act : *And provided also*, 2d. Proviso. That each stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholders, so that the whole capital stock of the said company, whether paid in or not, shall be liable for the said debts and contracts.

SECTION 2. That said company shall have the right to hold, Comp'y may either by purchase or lease, not exceeding two thousand hold 2000 acres of land at any one time, the whole to be within the acres of land valley of Wyoming, in the county of Luzerne, the townships of Pittston, Hanover and Wilkesbarre, in the commonwealth of Pennsylvania, and the same or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provided*, That the said company may Proviso. hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient, as places of deposite in the transportation and sale of the products of their mines.

SECTION 3. The capital stock of said company shall be and Capital consist of three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each, which stock. capital stock shall only be employed in the holding and purchased the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid, of the company; and said stock shall be assignable and transferable according to such rules as the board of directors shall establish. How to be employed.

SECTION 4. When the above named George M. Hollen- Letters patent. back, Charles Miner, Ebenezer W. Sturdevant, Charles D. Shoemaker, Alexander Lockhart, Samuel Holland, Alexander McClean, James Broaderick, John N. Conyngham, and their associates shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and seal of the state, create and erect the said George M. Hollenback, Charles Miner, Ebenezer W. Sturdevant, Charles D. Shoemaker, Alexander Lockhart, Samuel Holland, Alexander McClean, James Broaderick, John N. Conyngham, and

their associates, successors and assigns, into one body corporate, by the name, style and title of the "Wyoming Coal company."

Annual
election.

SECTION 5. The affairs of the said company shall be managed by seven directors, to be chosen annually from the stockholders; the first election shall be held in the borough of Wilksbarre, county of Luzerne, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia; and the subsequent elections shall be held, annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any five of the directors: *Provided*, That in the event of a failure to hold such election the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Proviso.

Ratio of
votes.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding four shares, one vote; for every two shares above four and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled, "An act to regulate proxies."

President
and other
officers.

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president to serve for one year, they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise until the next annual

election ; at all meetings of the board four directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time, call in on thirty days notice thereof, in at least two newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed, and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment ; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same ; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid : *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Penalty for neglecting to pay instalments.

Forfeiture.

Proviso.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable shall be declared twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided ; and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend : *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent.

Dividends.

Proviso.

on all such dividends, into the treasury of the state, for the purposes of education; and the president of said company shall, annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

Damages
how & when
to be estima-
ted & paid.

SECTION 10. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them, or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road or roads, until the rate of compensation for injury sustained, or to be sustained by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained by six suitable and disinterested persons, to be by them chosen, to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointment, within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party and at the cost and charge of said company, to appoint six disinterested persons of said county to view, examine and estimate the injury or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court within ten days thereafter, which report, if confirmed by said court, judgement shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damage, the

advantages to be derived by said owner or owners of said lands by means of said railroad or railroads.

SECTION 11 Any legal process, served on any agent or Service of manager of said company, is hereby declared to be, to all legal process intents and purposes, as valid as the same would have been if served on the president and directors thereof.

SECTION 12. The company hereby incorporated shall Power to have power to construct railroads with one or more tracks, construct from any point or points on their lands, to intersect the North railroads. Branch Canal and the Lehigh and Susquehanna Railroad, at such places as they may deem most convenient, or any other railroad leading to the state improvements or works connected therewith : *Provided*, That the said company shall not *Proviso*. prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with said railroad or railroads, from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the *Tolls*. following rates of toll, that is to say: on each ton of produce, coal or other minerals, or of any other goods, wares, merchandise, or commodities of any kind whatsoever, not exceeding two and an half cents per ton per mile; on each horse, not employed in drawing a car or carriage on which toll is charged, one cent per mile; on each horse and rider not exceeding one cent per mile; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile; and all fractions not less than half a ton to be considered as a ton, and if less than a half a ton to be rated at half a ton; and all fractions of half a mile in distance to be rated at half a mile; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals transported on said road or roads, in consideration of which he shall, at all reasonable times when so requested, exhibit to any person or persons interested therein the account of the said coal or other minerals transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward; and that the said company shall not be authorized to charge toll on empty cars *Empty cars*. returning from the landings to the mines, and that the

turnouts for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads; and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

Continuance
of act.

Proviso.

SECTION 13. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and fifty eight: *Provided*, That it shall be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

We do hereby certify that the bill entitled "An act to incorporate the Wyoming Coal company," was presented to the Governor on Monday the second day of April, one thousand eight hundred and thirty-eight, and was not returned within ten days, (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the Constitution of this commonwealth, become a law in like manner as if he had signed it.

FR. R. SHUNK,

Clerk of the House of Rep.

GEO. W. HAMERSLY,

Clerk of the Senate.

Harrisburg, April 16, 1833.

No. 73.

An Act

To incorporate the Washington Coal company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the au-*

thority of the same, That William Overfield, James Watson, William H. Dimmick, Samuel G. Walker, Robert T. Conrad, John R. Walker, Martin W. Dingman and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name, style and title of the "Washington Coal company," for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market and selling of coal, and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided also*, That each stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholders, so that the whole capital stock of the said company, whether paid in or not, shall be liable for the said debts and contracts.

SECTION 2. The said company shall have a right to hold, either by purchase or lease, not exceeding two thousand acres of land at any one time, the whole to be within the Lackawanna valley, in the county of Luzerne, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of, as the interest of the company may require: *Provided*, That the said company may hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient as places of deposit in the transportation and sale of the products of their mines.

SECTION 3. The capital stock of said company shall be and consist of three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of

Corporators.

Name, style and title.

Privileges.

Seal.

Proviso.

2d. Proviso.

Co. may hold 2000 acres of land.

Proviso.

Capital stock

How to be employed.

the coal, and in payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

Letters
patent.

SECTION 4. When the above named William Overfield, James Watson, William H. Dimmick, Samuel G. Walker, Robert T. Conrad, John R. Walker and Martin W. Dingman and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing lands and in such other investments as are authorized by this act for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and the seal of the state, create and erect the said William Overfield, James Watson, William H. Dimmick, Samuel G. Walker, Robert T. Conrad, John R. Walker and Martin W. Dingman and their associates, successors and assigns, into one body corporate, by the name, style and title of the "Washington Coal company."

Annual elec-
tion.

SECTION 5. The affairs of the said company shall be managed by seven directors to be chosen annually from the stockholders: the first election shall be held in the village of Carbondale, county of Luzerne, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by two or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, and the subsequent elections shall be held, annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any five of the directors: *Provided*. That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Proviso.

Ratio of
votes.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding four shares, one vote; for every two shares above four and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been

transferred at least three calendar months prior to the day of election, nor unless it be bona fide, held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled “An act to regulate proxies.”

SECTION 7. The directors shall, as soon as convenient after President their election, choose one of their number as president, to and other serve for one year; they shall also have power to appoint, officers. as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election; at all meetings of the board four directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time, call in on thirty days notice thereof, in at least two newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed, and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Penalty for neglecting to pay instalments.

Forfeiture.

Dividends.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired; and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends, into the treasury of the state, for the purposes of education, and the president of said company shall, annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

Proviso.

Damages—
how & when
to be estima-
ted and paid.

SECTION 10. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road or roads, until the rate of compensation for injury sustained, or to be sustained by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon shall be ascertained in the following manner, by six suitable and disinterested persons, to be by them chosen to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or

neglect to join in such appointment, within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint six disinterested persons of said county, to view, examine and estimate the injuries or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company, and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damage, the advantages to be derived by said owner or owners of said lands, by means of said railroad or railroads.

SECTION 11. Any legal process, served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof. Service of legal process.

SECTION 12. The company hereby incorporated shall have power to power to construct railroads with one or more tracks, from any points or points on their lands, to intersect the North Branch Canal and the Delaware and Hudson Canal and Railroad, at such places as they may deem most convenient, or any other railroad leading to the state improvements or works connected therewith: *Provided*, That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads, and to connect them with said railroad or railroads, from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll, that is to say: Tolls.
on each ton of produce, coal or other minerals or of any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and an half cents per ton per mile; on each horse, not employed in drawing a carriage or ear on which toll is charged, one cent per mile; on each horse and its rider not exceeding one cent per mile; on every person drawn in a car or carriage, other than the Proviso.

rider, not exceeding one cent per mile; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton; and all fractions of half a mile in distance to be rated at half a mile; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals transported on said road or roads, in consideration of which he shall, at all reasonable times, when so requested, exhibit to any person or persons interested therein, the account of the said coal or other minerals, so transported as aforesaid, and deliver to him or them a certified copy thereof, without any other fee or reward; and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines; and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open, for the interrupted passage of the cars of every person desiring to travel thereon.

Empty coal
cars.

Continuance
of act.

Proviso.

SECTION 13. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and fifty-eight: *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted upon failure of the corporators to comply with any or every part of this act.

Pennsylvania
Coal comp'y
incorporated

Privileges.

SECTION 14. That James W. Johnson, Richard D. Lathrop, Charles T. Pierson, Lewis S. Waters, Martin Curtis and Charles Fuller, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name, style and title of the "Pennsylvania Coal company," for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market and selling of coal, and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and

generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered ^{Proviso.} as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided also*, That each ^{2d Proviso.} stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholder, so that the whole capital stock of the said company, whether paid in or not, shall be liable for the said debts and contracts.

SECTION 15. The said company shall have the right to ^{Company} hold, either by purchase or lease, not exceeding one thou- ^{may hold} sand acres of land at any one time, the whole to be within ^{1000 acres} the township of Pittston, in the county of Luzerne, in the ^{of land.} commonwealth of Pennsylvania, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provided*, That the said com- ^{Proviso.} pany may hold, as above, such lot or lots of land, not exceeding three acres in any one place, as may be found convenient as places of deposite in the transportation and sale of the products of their mines.

SECTION 16. The capital stock of said company shall be ^{Capital} and consist of two hundred thousand dollars, and shall be ^{stock.} divided into four thousand shares of fifty dollars each, ^{How to be} which capital stock shall only be employed in the holding ^{employed.} and purchasing the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid of the company; and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

SECTION 17. When the above named James W. Johnson, ^{Letters pa-} Richard D. Lathrop, Charles T. Pierson, Lewis S. Waters, ^{tent.} Martin Curtis and Charles Fuller, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and the seal of the state, create and erect the said James W. Johnson, Richard D.

Lathrop, Charles T. Pierson, Lewis S. Waters, Martin Curtis and Charles Fuller, and their associates, successors and assigns, into one body corporate, by the name, style and title of the "Pennsylvania Coal company."

Annual election.

SECTION 18. The affairs of the said company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the village of Carbondale, county of Luzerne, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county of Luzerne, and one daily newspaper printed in the city of Philadelphia, and the subsequent elections shall be held, annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Proviso.

Ratio of votes.

SECTION 19. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder in the proportion following, that is to say: for each share and not exceeding four shares, one vote; for every two shares above four and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide, held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society or corporation, of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled, "An act to regulate proxies."

President and other officers.

SECTION 20. The directors shall, as soon as convenient after their election, choose one of their number as president to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from

death, resignation or otherwise, until the next annual election; at all meetings of the board three directors shall form a quorum to transact business.

SECTION 21. The directors may, from time to time, call Penalty for in on thirty days notice thereof in at least one newspaper neglecting printed in the county of Luzerne, and one daily newspaper to pay instalments printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof, at any one time and place appointed, and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the instalment so called for pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable, more than thirty days previously to the said election or meeting.

SECTION 22. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, Dividends.

That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends into the treasury of the state, for the purposes of education, and the president of said company shall, annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

Damages,
how & when
to be esti-
mated and
paid.

SECTION 23. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them, or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of the said railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber for the construction and completion of the said road or roads, until the rate of compensation for injury sustained or to be sustained by reason of the construction thereof shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon shall be ascertained in the following manner, by six suitable and disinterested persons, to be by them chosen to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointments, within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine and estimate the injuries or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same under their oaths or affirmations to the said court, within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration,

in estimating such injury or damage, the advantages to be derived by said owner or owners of said lands by means of said railroad or railroads: *Provided*, That within thirty days thereafter either party may appeal to the court of Common Pleas of the proper county, in the same manner that appeals are allowed in other cases. Proviso.

SECTION 24. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof. Service of
illegal pro-
cess.

SECTION 25. The company hereby incorporated shall have power to construct railroads, with one or more tracks, from any point or points on their lands, to intersect the North Branch Canal and the Lehigh and Susquehanna Railroad, at such places as they may deem most convenient, or any other railroad leading to the state improvements or works connected therewith: *Provided*, That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with the said railroad or railroads, from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll, that is to say: on each ton of produce, coal or other minerals, or of any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and an half cents per ton per mile; on each horse, not employed in drawing a carriage or car on which toll is charged, one cent per mile; on each horse and its rider, not exceeding one cent per mile; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton; and all fractions of half a mile in distance to be rated at half a mile; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals, transported on said road or roads, in consideration of which he shall, at all reasonable times when so requested, exhibit to any person or persons interested therein, the account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof, without any other Proviso,
Tolls.

Empty coal
cars.

fee or reward ; and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines ; and that the turnouts for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

Continuance
of act.

Proviso.

SECTION 26. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and seventy : *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

We do hereby certify, that the bill entitled, "An act to incorporate the Washington Coal company, and for other purposes," was presented to the Governor on Tuesday the third day of April, one thousand eight hundred and thirty-eight, and was not returned within ten days (Sundays excepted) after it had been presented to him ; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

FR. R. SHUNK,

Cl'k H. R.

GEO. W. HAMERSLY,

Cl'k of the Senate.

Harrisburg, April 16, 1838.

No. 74.

An Act

To provide for the Repairs, and to continue the Improvements of the State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of*

Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums are hereby specifically appropriated for the purposes hereinafter mentioned, to wit: To avoid the inclined plane at Columbia, fifty thousand dollars: For the repairs of feeder dams the sum of fifty-one thousand dollars: For additional locks on the Eastern Division of the Pennsylvania Canal and deepening the canal below Duncan's Island, nineteen thousand dollars: For damages thirty thousand dollars: For ordinary repairs one hundred and eighty thousand dollars: For ropes, tools, lot and building at Parksburg, filling ravine at Mauls, and mechanical implements, twenty thousand dollars: For balance of price of locomotive engines five hundred and fifty-nine dollars seventy-seven cents: To pay claims, referred to the board of Canal Commissioners by the legislature ten thousand dollars: To pay claims adjusted by the board of Canal Commissioners for expenses incident to the survey of the West Philadelphia Railroad, made by Henry R. Campbell, engineer, to avoid the inclined plane on the Philadelphia and Columbia Railway at the river Schuylkill, twenty-two hundred and eighty-eight dollars and forty-one cents: That the Canal Commissioners be authorized and required to make such repairs as may be necessary for the preservation of the dams and locks on the Beaver Division of the Pennsylvania Canal, on the French Creek Feeder, and on the French Creek Division of the Pennsylvania Canal, the expenses thereof to be paid out of any money in the treasury not otherwise appropriated: The sum of five thousand dollars is hereby appropriated to complete the arch of the Grant's Hill Tunnel, from the southern termination to the Fourth street bridge, and towards filling up the same, according to the act of the eleventh of March, Anno Domini eighteen hundred and thirty-five.

SECTION 2. That the sum of three hundred thousand dollars be appropriated to the Erie extension of the Pennsylvania Canal, two-thirds thereof to the work already under contract, and the other third thereof to the most difficult portions of the work between the harbor of Erie and the termination of the work now under contract, and the Canal Commissioners are directed, immediately after the passage of this act, to locate that part of the route not yet located, and to put under contract, not more than thirty miles, between the points aforesaid, during the present year: The sum of three hundred thousand dollars to the North Branch Canal, two thirds thereof to be applied to work already under contract, and the balance to the most difficult portions of the work between that now under contract

Appropriations to State works, &c.
viz: To avoid the inclined plane at Columbia; feeder dams; locks on Eastern division.
Damages.
Ordinary repairs.
Ropes, &c.
Balance on locomotives.

Claims.

Claims incident to survey, &c.

Repairs to Beaver Division.

French creek feeder, &c.

Grant's Hill tunnel.

To the North Branch Canal.

To the and the present termination of the North Branch Canal: To
 Gettysburg the Gettysburg extension of the Pennsylvania Railway one
 extension of hundred and ninety-five thousand dollars, to be applied to the
 Pa. Railway. work already under contract; and to put under contract not
 To new more than eight miles from that now under contract towards
 work. Waynesburg, ten thousand dollars: *Provided*, That upon full
 Proviso. examination, the Canal Commissioners shall deem that the
 To 'Tangas- most advantageous route: To finish the work on the 'Tan-
 cootac ext'n. gascootac Extension of the West Branch Canal the sum of
 twenty-four thousand dollars, and the Canal Commissioners
 To Sinnema- are hereby directed to locate and put under contract a canal
 honing ext'n or slackwater navigation, from the termination of the Tan-
 gascootac Extension to the mouth of the Sinnemahoning,
 towards which the sum of one hundred thousand dollars is
 To the Alle- hereby appropriated: The Canal Commissioners are hereby
 gheny feed- required to locate and put under contract a navigable feeder
 er opposite on the west side of the Allegheny river, from a point
 Kittanning. opposite or nearly opposite Kittanning, to the Pennsylvania
 Canal, the work to be so constructed as not to obstruct the
 ascending or descending navigation of the Allegheny river,
 towards which the sum of thirty thousand dollars is hereby
 appropriated: For a water communication from Petersburg,
 To water in Huntingdon county, to the Pennsylvania Canal, five thou-
 communica- sand dollars is hereby appropriated: The Canal Commission-
 tion from ers are hereby required to locate and put under contract a
 Petersburg. canal or navigable feeder, from the termination of the slack-
 water of Clark's Ferry dam to the mouth of Wiconisco
 To Wiconis- creek, towards which the sum of twenty thousand dollars is
 co feeder. hereby appropriated: Towards the construction of an out-
 Outlet lock, let lock at Duncan's Island the sum of ten thousand dollars:
 Duncan's Is. The Governor is hereby authorized and required to subscribe
 Subscription stock to the amount of fifty thousand dollars to the stock
 to Danville of the Danville and Pottsville Railroad company, to be ex-
 & Pottsville pended in making the necessary improvements upon the west
 Railroad. section of said road, and in the further extension of said
 Location of road eastwardly from its present point of completion, twenty
 line from and a half miles from Sunbury, and that the line of the
 Pottsville to railroad from Pottsville to Port Clinton shall be located
 Port Clinton. through or near the borough of Orwigsburg, unless the
 To the Mo- ground shall on examination be found unfavorable therefor:
 nongahela To the stock of the Manongahela Navigation company twenty-
 Nav. Co. five thousand dollars: To the stock of the Codorus Naviga-
 Codorus Nav tion company twenty thousand dollars: The Canal Commis-
 Co. sioners are hereby directed to have constructed, during the
 Road from present year, a good road along or near the towing path of
 Johnstown the canal, from the borough of Johnstown to the guard lock
 to Sutton's dam.

at Sutton's dam, with the necessary bridges, culverts &c., and the same shall, as soon as completed; be declared a public highway, for which the sum of four thousand dollars is hereby appropriated, and when so made, the said highway to be under the control of the agents of the Commonwealth; the Canal Commissioners in constructing said road shall commence at the northern line of said borough: That the Governor of this Commonwealth is hereby authorized and required to subscribe, on behalf of the Commonwealth, to the stock of the Cumberland Valley Railroad company, two thousand shares of the capital stock of the said company; to the stock of the Delaware and Schuylkill Canal company fifteen hundred shares; the amount of which said subscriptions shall be paid to the said companies respectively, by the State Treasurer, in the sum of twenty thousand dollars per month to each of said companies, until the whole amount of the said subscriptions be so paid, which said subscriptions shall constitute the commonwealth a stockholder in the said companies respectively; and the Governor of this Commonwealth is hereby further authorized and required to subscribe, on behalf of the commonwealth, to the stock of the Bald Eagle and Spring Creek Navigation company, five hundred shares of the said company, which subscription shall constitute the commonwealth a stockholder in the said navigation company, on an equal footing, as to all the rights and liabilities, with the other subscribers thereto: *Provided*, That the rights of those stockholders to whom the commonwealth has guaranteed an interest on their stock, shall not be thereby impaired: *And provided further*, That the said company shall only draw the said money in such sums as shall be actually necessary to carry on its work, and shall apply the same towards completing that part of the line of said navigation from its present termination, near the Howard Furnace to the town of Milesburg, and to no other purpose whatsoever, nor shall the said company draw more than twenty per cent. on the amount hereby appropriated in any one month: The Canal Commissioners are hereby required to have surveys made, by competent engineers, from the town of Chambersburg to Pittsburg, (for a continuous railroad without inclined planes, or for a Macadamized turnpike and railroad in connection,) over the several passes of the Allegheny within the state, south of the Portage Railroad and Pennsylvania Canal; they are also required to have a survey made of the Raystown branch of the Juniata, for canal, railroad or slack-water navigation, so as to connect the coal and iron region of Bedford county with the public works, and connect with

To the Cumberland Valley R. Road.

To the Delaware and Schuylkill canal.

To the Bald Eagle and Spring creek Nav. Co.

Proviso.

2d Proviso.

To survey from Chambersburg to Pittsburg.

the other surveys above required, for the expense of which the sum of fifteen thousand dollars is hereby specifically appropriated, to be paid, settled and accounted for, in the same manner in which the accounts of engineers and their assistants, in the employ of the state, are now by law settled and adjusted.

Temporary
loan of 200,
000 dollars
authorized.

SECTION 3. If the appropriation to any of the public works under contract shall be expended before another appropriation shall be made by the legislature, the Governor is hereby authorized and empowered to make a temporary loan of two hundred thousand dollars, to be applied to said works in proportion to their necessities, in such manner as the Canal Commissioners shall deem most beneficial to the public interests.

Governor
authorized
to subscribe
stock to cer-
tain turn-
pike compa-
nies.

SECTION 4. The Governor is hereby authorized and required to subscribe stock to the following Turnpike companies, to the following amount : To the Bethany and Dingman's Choice Turnpike Road company six thousand dollars, to be expended between Dingman's ferry, and the Milford and Owego Turnpike Road, the expenditure to commence at Dingman's ferry : To the Lackawaxen Turnpike Road company two thousand four hundred dollars : To the Sterling and Newfoundland Turnpike company one thousand six hundred dollars : To the stock of the Somerset and Cumberland Turnpike Road company eight thousand dollars, to be expended on the unfinished part of said road : To the stock of the Bedford and Hollidaysburg Turnpike Road company eight thousand dollars, to be paid to Samuel Vondersmith, commissioner hereby appointed, one half to be expended next to Bedford, and the balance in Bedford county, next to the Huntingdon county line : To the stock of the Warren and New York State Line Turnpike Road company two thousand dollars : To the stock of the Sugar Grove and Union Turnpike Road company two thousand dollars : To the stock of the Armstrong and Clearfield Turnpike Road company five thousand six hundred dollars : To the stock of the Bald Eagle, Nittanny, Brush and Penn's Valley Turnpike Road company one thousand six hundred dollars : To the stock of the Lewisburg and Jersey Shore Turnpike Road company three thousand two hundred dollars : To the stock of the Washington and Pittsburg Turnpike Road company the sum of ten thousand dollars : To the Doylestown and Willow Grove Turnpike Road company the sum of five thousand dollars : To the stock of the Perkiomen and Reading Turnpike Road company fifteen thousand dollars : To the stock of the Willow Grove and Harts-ville Turnpike Road company three thousand two hundred

dollars, which subscription shall constitute the common-wealth a stockholder therein, equal in privileges with the other stockholders in said companies: To the stock of the Brownington, Harrisville and Franklin Turnpike Road company the sum of four thousand dollars: To the stock of the Legonier and Johnstown Turnpike Road company four thousand dollars, one half to be expended east of the summit of Laurel Hill: To the stock of the Pittsburg Farmers' and Mechanics' Turnpike Road company five thousand six hundred dollars: To the stock of the Huntingdon, Cambria and Indiana Turnpike Road company two thousand dollars, to be expended in repairs on said road: To the Ebensburg and Indiana Turnpike Road company two thousand dollars, to be expended in repairs on said road: To the stock of the Pittsburg and Steubenville Turnpike Road company four thousand dollars: To the stock of the Lenox and Harmony Turnpike Road company two thousand four hundred dollars: To the stock of the Philadelphia and Great Bend Turnpike Road company, to be laid out in repairs, the sum of eight hundred dollars: To the stock of the Titusville and Union Mills Turnpike Road company two thousand four hundred dollars: To the stock of the Bridgewater and Wilkesbarre Turnpike Road company, to be laid out in repairs between Montrose and Tunkhannock, eight hundred dollars: To the stock of the Clifford and Wilkesbarre Turnpike Road company one thousand two hundred dollars, to be laid out in making said road between Coshecton and Great Bend Turnpike Road and the Belmont and Oghquaga Turnpike Road, and the act of assembly chartering said Clifford and Wilkesbarre Turnpike Road company is hereby continued and extended, with all its provisions, for the term of two years from the passage of this act, for the purpose of enabling said Turnpike Road company to complete their road from the Coshecton and Great Bend Turnpike Road to the Belmont and Oghquaga Turnpike Road aforesaid: To the stock of the Carbondale and Lackawanna Turnpike Road company twelve hundred dollars: To the stock of the Somerset and Conemaugh Turnpike Road company four thousand dollars: To the stock of the Downingtown, Ephrata and Harrisburg Turnpike Road company four thousand dollars, to be expended in repairs: To the stock of the Snow Shoe and Packertown Turnpike Road company five thousand dollars: To the stock of the Warren and Ridgeway Turnpike Road company two thousand dollars: To the Birmingham and Elizabethtown Turnpike Road company four thousand dollars, to be expended on the southern end of said road, near the village of West Elizabeth: To the Susquehanna and

Turnpikes.

Tioga Turnpike Road, to be laid out in repairs on said road, commencing at Berwick, Columbia county, and expended as the managers of the road may think proper, two thousand four hundred dollars: To the stock of the Luthersburg and Punxatawny Turnpike company four thousand dollars, if incorporated the present session: To the Warren and Franklin Turnpike company four thousand dollars, to be appropriated between Tetteoute creek and the borough of Franklin: To the stock of the Lancaster, New Holland and Blue Ball Turnpike road one thousand six hundred dollars: To the Gap and Newport Turnpike Road company the sum of five thousand six hundred dollars, to be appropriated to the payment of the debts of said company: *Provided*, That the said company, at or before receiving the appropriation aforesaid, shall cease to collect tolls on said road, and shall declare the same a public highway, to be used, kept and repaired as all other public roads and highways within this commonwealth now are: Two thousand four hundred dollars to the York Haven and Harrisburg Bridge Turnpike Road company: To the stock of the Pittsburg and Butler Turnpike Road company four thousand dollars, to be paid into the hands of John Gilchrist, of the borough of Butler, Butler county, and John M'Grew, of the borough of Alleghenytown, Allegheny county, commissioners hereby appointed; said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road: To the stock of the Freeport and Butler Turnpike Road company four thousand dollars: That the managers of the Chambersburg and Bedford Turnpike Road company, the Bedford and Stoystown Turnpike Road company, the Bedford and Somerset Turnpike Road company, and each of the Turnpike roads in the counties of Bedford, Somerset and Westmoreland, be, and they are hereby authorized to appropriate to the repairs of the respective roads, all dividends which may hereafter be due to the state, under the fourth section of the act of the general assembly, passed the twenty-seventh day of March, one thousand eight hundred and twenty-four, relative to turnpike and bridge companies, in which the state holds stock, for two years from the passage of this act: *Provided*, That in declaring dividends no individual stockholder shall receive more than six per cent. upon the stock owned by them, respectively, in any one year: *Provided also*, That the managers aforesaid, appropriate the said sums in M'Adamizing so much of their roads as can be done with the money

hereby released, after the two first named companies paying Turnpikes. out of the first year's dividends two thousand dollars for the erection of a bridge over the Raystown branch of the Juniata, at the town of Bedford, where the Bedford and Hollidaysburg Turnpike crosses the same; Samuel Vondersmith and Henry Leader, commissioners; To the Mercer and Meadville Turnpike Road company the sum of five thousand six hundred dollars, to be paid into the hands of William Miller of Mercer county, and John M'Farland of Crawford county, commissioners hereby appointed, said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing and cutting out said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road, and they are hereby authorized to open the said road to the width of one hundred feet, where they may deem it necessary: *Provided*, That all damages occasioned thereby shall be adjusted and paid in the manner prescribed in the act incorporating said company: To the Butler and Mercer Turnpike Road company the sum of two thousand four hundred dollars, to be paid into the hands of William Thompson of Butler county, and Alexander Black of Mercer county, commissioners hereby appointed; said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road.

SECTION 5. The State Treasurer is hereby required to pay to the commissioners hereafter named the following Appropriations to State sums, to be appropriated to opening and putting in repair Roads and the following State Roads: For the State road leading from Bridges. the Washington and Williamsport Turnpike road, by the way of Thomas' steam mill to Pittsburg, two thousand four hundred dollars, to be expended between Robert M'Farland's and the turnpike aforesaid; the following persons commissioners, to wit: Jacob Boyer and James Conner of Allegheny county; Elijah Townsend and John Witherow of Washington county; and the dividends due the commonwealth on her stock in the Washington and Williamsport Turnpike, be, and the same are hereby appropriated to the repairs of the said road: For the state road in Wayne county, leading from the house of Jesse Caukin to the Delaware river, at or near the mouth of Caukin's creek, in Damascus township, thence up said river to the north line of the state, at or near its north-eastern corner, on the forty second degree

State roads. of north latitude, the sum of four thousand dollars; commissioners to lay out and open the said road, shall be Moses Thomas, George Bush, William H. Dimmick, Jacob Killam, and Warner M. Preston : For the state road from Robert Allen's in Lycoming county, by the way of Trout Run to Blossburg, in Tioga county, the sum of four thousand dollars, one half in each county ; commissioners, Philip J. Kohler, Aaron Bloss and John Cochran of Tioga county ; John K. Hays, James Cummings and Henry Harman of Lycoming county : For the state road called the East and West road, leading from Warren by the way of Smethsport, Coudersport and Big Meadows to Wellsborough, the sum of twelve thousand dollars; one half to be expended west of Smethsport, one third to be expended in Potter county, between Coudersport and the line of Tioga county, and the remainder in Tioga county ; and the further sum of eight hundred dollars for repairing the road from the Big Meadows to the Big Marsh, in Tioga county ; commissioners to lay out the last mentioned sums in Tioga county, Samuel Dickenson, John Beecher and Benjamin B. Smith of Tioga county ; the commissioners to carry this appropriation into effect in the counties of M'Kean and Warren shall not exceed three in number, and shall be appointed by the court of Quarter Sessions of said counties ; and Almon Woodcock, Charles Lyman and John Taggart of Potter county, shall be commissioners for a similar purpose in Potter county ; and the county commissioners of each of the counties of Potter and M'Kean are hereby authorized to appropriate out of their respective county funds, any sum not exceeding five thousand dollars, to be expended on said East and West State road, in their respective counties, by the road commissioners aforesaid ; and the commissioners aforesaid, shall have the power to change the location wherever it shall be necessary, to obtain a better and more convenient route : For the state road from Bellefonte to White Deer, in Union county, eight hundred dollars ; and the commissioners shall be William Foster and Henry Miller of Union county ; Jacob Miller and Francis Gromely of Centre county.

For the state road from Chambersburg, by way of Strasburg and Fannetsburg to Drake's Ferry in Huntingdon county, four thousand dollars ; commissioners to be Nathaniel Kelly, John Blair and John Lutz.

For the state road leading from west end of Wilkesbarre bridge, in Luzerne county, to Washington, in Columbia county, twelve hundred dollars ; commissioners to be Elias Hoyt and Benjamin Reynolds of Luzerne county.

For the state road leading from Pittsburg to Kittanning

in Armstrong county, on the west side of the Allegheny State roads. river, four thousand dollars, to be expended between Felix Neglee's in Allegheny county, and the borough of Freeport; to be expended by the commissioners of Allegheny county.

For the state road leading from West Alexandria, in Washington county, through Waynesburg to the Virginia state line, two thousand four hundred dollars; commissioners to be Robert Milliken, and Mark Gordon.

For the state road leading from Monongahela bridge, in Allegheny county, to the Virginia state line, in the direction of Morgantown, one thousand six hundred dollars; commissioners to be William Litzenburg and Lot Lantz.

For the state road leading from Waynesburg to Widow Griffin's on the Cumberland road, in Fayette county, one thousand six hundred dollars; commissioners to be Barnet Whitlatch and Isaac Burson.

For the state road leading from White Horse tavern to the Virginia state line, two thousand dollars; commissioners to be John Lindsey and Samuel Vanatta.

For the state road leading from Middlebourne in Virginia, to Hill's farm in Greene county, twelve hundred dollars; commissioners to be John Rogers and Joseph B. Johnson.

All the above five next preceding appropriations to be expended in Greene county.

To repair the bridge over the south fork of Ten Mile creek, at Clarksville in Greene county, on the state road leading from Beall's lane, in Washington county, to Little Whitely, creek, in Greene county, four hundred dollars; any part of said appropriation not required to repair said bridge to be expended in improving so much of said road as lies between the Washington county line and Jefferson in Greene county; commissioner to be Herrod Bell.

For the state road leading from west end of Harrisburg bridge, in Cumberland county, to the mouth of the Juniata, the sum of eight hundred dollars; commissioner to be George Barnett, jun'r.

For the state road leading from Stoystown to Ebensburg, provided the same be authorized the present session, one thousand six hundred dollars; commissioners to be Christian Good, Moses Canan and Isaac Kauffman.

One thousand six hundred dollars to a state road in Pike county, from Henry Peters' to Rodolphus Bingham's; William Overfield, Jacob Hornbeck, junior, and Milo M. Dimmick, commissioners to lay out and expend the money.

For the state road leading from the east end of the

State roads. contemplated Sharon bridge, in Beaver county, to New Castle, two thousand four hundred dollars ; James Cubbison, Benjamin Cunningham, junior, and David Warnock commissioners.

For the state road from Beaver bridge to the Ohio state line, near Petersburg, one thousand six hundred dollars ; William Adair, James Sprott and John Carothers commissioners.

To the Landisburg and Mifflintown state road the sum of one thousand two hundred dollars ; the commissioners to be John Smith, Steward Turbott, Alexander M'Gonigle of Juniata county, George Baker, Jesse Comeley and Joseph Bixler of Perry county.

To the state road leading from the Columbia bridge to York Haven, eight hundred dollars ; the following persons to be commissioners, to wit : Martin Crull, Joseph Wilson and John Kauffelt.

Towards the payment of the necessary repairs on that part of the state road leading from Harrisburg to Wilkesbarre, between a point half a mile south of Lindner's Gap, in Rush township, Schuylkill county, and the Berwick turnpike, in Luzerne county, the sum of one thousand six hundred dollars ; the warrant to be drawn in favor of James Taggart and Jacob Faust of Schuylkill county, who are hereby appointed commissioners to carry out the views contained in this section.

Twelve hundred dollars to the state road leading from York to Harrisburg, to be expended in repairing said road from Grisinger's Hill to George Shettle's in York county, and that Philip Sipe, Henry Grisinger and Joseph M'Creary be said commissioners.

For the state road from the borough of Alleghenytown, through Perrysville, Evansburg, Whitestown and Prospect, to Brownington, the sum of two thousand dollars ; Samuel Kirk and Cadwallader Baker are hereby appointed commissioners to receive and expend the same in repairing said road ; said money to be expended in proportion to the distance of said road in each county.

To the graded road from Butler to Franklin, the sum of four thousand dollars ; Patrick Layton and Campbell E. Purviance are hereby appointed commissioners to receive and expend the same in repairing said road.

To the state road from the borough of Mercer through Harlinsburg and Harmony to Martin Burns', the sum of two thousand dollars ; David Garvin and William Stoughton commissioners.

To the state road from Mercer to Franklin the sum of one

thousand six hundred dollars, to be paid to Aaron M'Cissick of Venango county, and Jacob Zahaizer, junior, of Mercer county, commissioners; said money to be divided in proportion to the road in each county. State roads.

For the state road leading from Erie to Warren one thousand six hundred dollars, to be expended in Erie county; Giles Russell, David Smith and Lyman Robinson, commissioners.

For the state road leading from the west end of the Monongahela bridge, in Allegheny county, to Uniontown, in Fayette county, the sum of three thousand two hundred dollars, commissioners to be James H. Patterson, Richard Hill and Zadok Springer.

For the state road leading from the Kiskiminetas salt works, through Connellsville and Uniontown in Fayette county, to the Virginia state line, in the direction of Morgantown, Virginia, the sum of two thousand four hundred dollars, commissioners to be Joseph Torrence, William Crawford and Zadok Brownfield.

For the state road leading from Robbstown, in Westmoreland county, through Cookstown to Brownsville, and to the road from thence through Merrittstown, Germantown and New Geneva, in Fayette county, to the Virginia state line, in the direction of Morgantown, Virginia, the sum of two thousand eight hundred dollars; one thousand dollars of which sum to be expended in repairing or constructing bridges over streams which said road crosses; commissioners to be Walter B. Chalfant, James C. Edington and Lee Tate.

For the state road leading from the White Horse tavern, on the top of the Allegheny mountain, to the Virginia state line, in the direction of the flats of Grave creek, the sum of two thousand dollars; commissioners to be John Gadd, Henry Swindler and Valentine Coughanour.

For the state road leading from the widow Griffin's, on the Cumberland road, in Fayette county, to Waynesburg, in Greene county, the sum of two thousand dollars; commissioners to be James Sampey, John Robinson and Elijah Loughhead.

For the state road leading from Steen's tavern, on the Somerset and Mount Pleasant Turnpike road, to the state road east of Connellsville, in Fayette county, the sum of four hundred dollars; commissioners to be Andrew Trapp and Abraham Gallentine, Esquire.

For the improvement of the navigation of the Youghiogheny river eight hundred dollars; commissioners to be Daniel Kane, John Sinilie and James Harris. Navigation of the Youghiogheny river.

State roads The above next preceding seven appropriations to be expended within the county of Fayette.

For the state road from Howell's mills, in Northampton county, to Conyngham, in Luzerne county, two thousand four hundred dollars, to be expended between Howell's Mills and Stroudsburg, in Monroe county; commissioners to expend and lay out the money, William Overfield, Morris D. Robinson, James M. Porter and Adam Keller.

For the road leading from Easton to the Wind Gap, in the county of Northampton, two thousand four hundred dollars, one thousand dollars of which sum shall be expended in reducing the grade of Chesnut Hill; David Kemmerer and William Ricker to be commissioners.

For the road leading from Easton to Philadelphia, along the river Delaware, two thousand four hundred dollars, to be expended between Easton and Durham creek; George A. Hise and Barnet Unangst to be commissioners.

For the road leading from Easton to Mauch Chunk twelve hundred dollars, to be expended between Berger's tavern and Mauch Chunk; H. B. Hillman, Thomas Craig, and Peter Snyder, of Towamensing, to be commissioners.

For the road leading from Allentown to Reading four hundred dollars, to be expended in reducing the grade of Griseimer's hill, in Lehigh county; Henry Reichert and James Segreves to be commissioners.

For the road leading from Mauch Chunk, by Allentown, to Philadelphia one thousand six hundred dollars, to be expended within the county of Lehigh; John Rice, Daniel Kline and Peter Huber to be commissioners.

Bridges.

For grading Flint Hill, in Bucks and Northampton counties, near Kemerer's tavern, the sum of five hundred dollars, to be expended under the direction of John Snyder, John Bachman, Balzer Stever, and Henry Kemerer, who are hereby appointed commissioners for that purpose: For the state road leading from Freidensburg in Schuylkill county, to Harper's in Lebanon county, eight hundred dollars, to be expended on that part of said road north of the mountain, running through Bethel and Swatara townships, in Lebanon county; commissioners to be Henry Miller, and Christian Spittler: Three thousand two hundred dollars towards constructing a bridge over the Swatara where the Lebanon road crosses the same near Harper's; commissioners to be George Miller and Jacob Harper: Eight hundred dollars towards constructing a bridge over the Quitapahilla at Raiguel's mill; commissioners to be John D. Beaver and Philip Imboden: Eight hundred dollars towards constructing a bridge over the Tulpehocken, below Meyerstown, near Eridenbach's;

commissioners to be Daniel Stine and John Bassler : Bridges. Twelve hundred dollars towards constructing a bridge over the Swatara at Bendnagle's church ; commissioners to be William Earley and Peter Killinger : Twelve hundred dollars towards constructing a bridge over the Swatara, at Loudermilk's fording, in Dauphin county ; commissioners to be Jacob Stine and Henry Landis, jr.

To the state road leading from Hamilton village to the borough of West Chester the sum of four thousand dollars, State roads. for the purpose of grading and repairing the same, under the direction of Colonel James Sill and Isaiah Fawkes of Delaware county, and Phineas Garrett of Chester county, commissioners hereby appointed for that purpose.

That the Governor is hereby authorized and required to draw his warrant on the State Treasurer, in favour of William Hales and James Harper of Beaver county, for the sum one thousand six hundred dollars, to be laid out in repairs of that part of the road leading from Beavertown to Frankfort, which lies between Irwin's ferry, on the Ohio river, and Frankfort in said county.

For the state road leading from Elizabeth to Uniontown three thousand dollars, to be expended between Elizabeth and the Robbstown and Washington Turnpike road ; John Walker, junr., Joseph Vankirk and Robert Wallace, commissioners.

To the state road from Saltsburg to Curwinsville one thousand six hundred dollars, to be expended in Indiana county, under the directions of James Tayler, Robert Nixon and William Colman, senior, of Indiana county.

To the state road leading from the Harrisburg bridge to Sterrett's Gap, in Perry county, eight hundred dollars ; Daniel Coble and Jacob Rupp to be commissioners to expend the same.

For the state road leading from George Householder's in Bedford county, through Werefordsburg to the Maryland line, four hundred dollars ; Henry A. Barton, Mason Lodge and Jacob Barnhard, commissioners.

For the state road called the Three Mountain road, leading from Shippensburg in Cumberland county, to James Spraats in Bedford county, four hundred dollars, to be expended in Bedford county ; William Wilds, George Keebaugh and John Davis, commissioners.

To the state road from Butler to Beaver the sum of eight hundred dollars ; Alexander Graham, John Hull and William M'Kinney, are hereby appointed commissioners to receive and expend the same on said road.

State roads. To the graded road from Butler to Graham's ferry, on the Allegheny river, the sum of eight hundred dollars; Andrew J. Christie and Josiah Fletcher are hereby appointed commissioners to receive and expend the same on said road.

To the state road from the borough of Butler in Butler county to the borough of Newcastle in Mercer county, the sum of one thousand six hundred dollars; John Moon, James Henry and William Forrester are hereby appointed commissioners to receive and expend the same on said road.

To improve the state road from Doylestown by Castle Valley bridge, if the same should be incorporated at the present session of the legislature, the sum of twelve hundred dollars, and William McHenry and William Field are hereby appointed commissioners to receive and expend the money.

For grading the hill on the old Bethlehem road in Bucks county, between Line Lexington and James' tavern, the sum of six hundred dollars, to be expended under the direction of William Lewis and Andrew Hartzell, who are hereby appointed commissioners for that purpose.

For grading Red Hill on the Easton road in Bucks county, the sum of six hundred dollars, and Joshua B. Calvin and Barnet Snyder are hereby appointed commissioners for that purpose.

Transfer of balance of appropriat'n from turnpike to state road, &c. That the sum of twelve thousand five hundred dollars, being the balance of appropriation to the Philadelphia, Chaddsford and New London Turnpike company, be, and the same is hereby transferred to the state road leading from Providence in Delaware county, by Chaddsford and New London Cross Roads, Chester county, and that six thousand two hundred and fifty dollars thereof be appropriated to Delaware county, for the purpose of grading said road, under the direction of Joel Evans, Casper W. Sharpless, Esquire, and James S. Peters, commissioners hereby appointed for that purpose; and that the residue thereof be appropriated to Chester county, under the direction of Samuel Irwin, James Kelton, Abraham Hamor, Harland Gause and Mark Fell, commissioners hereby appointed to direct the grading in Chester county.

Commiss'rs to review & re-locate road from the east end of Sharon br'ge to New Castle, &c. That Dr. Robert Cunningham, Thomas Cairns, and John T. Cunningham, Esqr., be, and they are hereby appointed commissioners to re-view and re-locate that part of the state road from the east end of the contemplated Sharon bridge to east end of New Castle, which lies between the Blockhouse run and the Sharon br'ge farm of Hugh Smiley, in such a manner that the grade of said road shall be brought, as near as may be, to five degrees, &c.

and that the said commissioners have power to employ a competent artist, two chain bearers, and one axe man; the said commissioners and their artists to receive one dollar and fifty cents for each day necessarily employed on said road, and their chain bearers and axe man one dollar for each day employed in their service, the whole of said expense to be paid out of the treasury of Beaver county, in the same way that road viewers are usually paid.

SECTION 6. The Canal Commissioners shall not be authorized to incur any debt on the commonwealth in any way or manner beyond the appropriation aforesaid, and no part of the aforesaid appropriation shall be applied to any other than the several specific purposes to which it is appropriated by the preceding sections of this act, nor shall any contracts be entered into for any new line of canal or railroad not mentioned in this act, or for any extension of the lines herein named beyond the limits prescribed by this act.

Can. Com'rs not to incur debts.
Appropriation applied to specific purposes exclusively.

SECTION 7. The Canal Commissioners are hereby authorized to negotiate with the Valley Railroad, to the West Philadelphia Railroad, and the Chester and Delaware Railroad company, for the purpose of ascertaining upon what terms each of said roads can be purchased by the commonwealth, and also to cause an examination whether any better mode can be adopted to avoid the inclined plane at the Schuylkill, and cause a survey and estimate to be made by a competent engineer who has never been employed on either of said roads, of the whole expense of constructing each, reporting to the curvatures, grades, and distance of each, together with accurate plots or drafts thereof; also reporting the curvatures, grades, and distance of the Pennsylvania Railroad from the city of Philadelphia to the bridge at Downingtown, with an accurate plot or draft thereof, showing the points of intersection by said roads; also reporting the curvatures, grades, and distance of the Philadelphia & Wilmington Railroad from the point of intersection to the city of Philadelphia, with an accurate plot or draft of the same, for which the sum of twelve hundred dollars is hereby appropriated; and if after such examination had, they shall be of the opinion that the best interests of the commonwealth and the public convenience would be promoted by the laying out of a new route, or the adoption or purchase of either of the said roads for the purpose of avoiding the said inclined plane, then to report to the next legislature which of the said routes or roads should be so adopted or purchased, and to report the result of their inquiries to the next legislature.

Can'l Com'rs to negotiate for certain railroads, &c.
Survey and estimate to be made, &c.

How balances in treasury to be aggregated and applied.

SECTION 8. That the several balances now in the treasury, being monies refunded on finished lines of the Pennsylvania Canal, be aggregated in one sum, and the same be applied to the payment of debts due on finished lines.

Damages to be paid as speedily as possible.

SECTION 9. The sum appropriated to the payment of damages by the first section of this act, shall be paid as speedily as possible, in the order as to time in which the said claims for damages have been awarded, assessed and confirmed, and afterwards to such as may be agreed upon as due by prior acts.

Commissioners of state roads to give bonds

SECTION 10. The commissioners appointed by this act to expend monies appropriated to state and turnpike roads and bridges, and Youghioghany river, shall give bonds to the commonwealth, to be approved by the courts of Quarter Sessions of the respective counties, for the faithful disbursement

Courts of Q. Sessions to fill vacancies in Commissioners of state roads, &c.

of said monies before they receive the same : The courts of Quarter Sessions of the several counties in which appropriations are to be expended on roads and bridges, and Youghioghany river, as provided for by this act, in case any vacancy or vacancies shall occur by death, resignation, or removal out of the county of any of the commissioners named in this act, shall have power to fill such vacancy or vacancies, and the person or persons so appointed by the said court shall have all the powers given to the commissioner or commissioners named in this act, and be required to give bond as herein directed : *Provided*, That the expenses of the commissioners shall be paid by the county in which the appropriations are made, and that the auditors of the said counties shall be required to settle their accounts within two years after the money has been drawn from the state treasury ; and the said county auditors shall forward a copy of the said respective accounts, after being so settled, to the Auditor General, who shall lay the same before the legislature.

Proviso.

Repeal of so much of act 9th January, 1833, as suspends the work on the Gettysburg extension of Penn'a Railroad.

SECTION 11. So much of an act passed the ninth day of January, eighteen hundred and thirty-eight, entitled " An act to provide for the repairs of the State Canals and Railroads, and continuing the work on the Erie Extension and North Branch Division of the Pennsylvania Canal, and for other purposes," as directs the Canal Commissioners to give notice to the contractors on the Gettysburg Extension of the Pennsylvania Railroad to suspend work on the first day of January next, be, and the same is hereby repealed, and the same course shall be pursued with regard to that work as to other public work under contract.

SECTION 12. The Governor of this Commonwealth is here- Governor
 by authorized to borrow, on a temporary loan, any sum of authorized to
 money not exceeding six hundred thousand dollars, and to borrow on
 give the necessary certificates therefor, and the same shall temporary
 be repayable at such time as shall be agreed on at the time loan 600,
 of making said loan, out of any money then in the treasury 000 dollars.
 not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand
 eight hundred and thirty-eight.

JOS. RITNER.

No. 75.

An Act

Relating to the commencement of actions, to appeals from county
 auditors, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania, in Gen-
eral Assembly met, and it is hereby enacted by the authority
of the same, That no action now pending on a writ of error, No action,
 or otherwise or hereafter to be brought by partners or several &c., shall
 persons, against partners or several persons, shall abate, or abate.
 the right of such partners or several persons plaintiffs, to
 sustain their action, be defeated by reason of one or more
 individuals being or having been members of both firms, or
 being or having been of the parties plaintiffs and also of the
 parties defendants, in the same suit, nor shall the judgment
 rendered therein, if still pending on a writ of error, be
 affirmed against the right of such plaintiff or plaintiffs to sus-
 tain such action, nor reversed for the purpose of defeating
 such right, but the same shall proceed to trial and judgment
 as though the parties plaintiffs and defendants were separate
 and distinct persons, and the acts and declarations of the part-
 ner or persons so being of both the parties plaintiffs and defen-
 dants, shall be evidence to affect each party, respectively, in
 like manner and to the same extent as the acts and declara-
 tions of the other partners or persons plaintiffs or defendants,
 would affect the respective firms or parties: *Provided, That* *Provido.*

no act or declaration of the party, shall be given in evidence in his own favor to the prejudice of others.

SECTION 2. That the fourth and fifth sections of an act entitled An act relating to the commencement of actions, passed the thirteenth day of June, eighteen hundred and thirty-six, be, and the same are hereby repealed, and all former laws which were repealed or supplied by the said two sections of said act are hereby revived, as fully and effectually as if specially re-enacted.

SECTION 3. That so much of the act relating to inspections, approved April fifteenth, one thousand eight hundred and thirty-five, as relates to the inspection of butter and hog's lard, shall not be construed as to require the inspection of butter and hog's lard intended for the coasting trade, or to be shipped to any port within the United States, unless at the option of the buyer and seller.

SECTION 4. That the borough of Allegheny shall be comprised within the following boundaries, to wit : beginning on the Allegheny river, at the point where "Saw Mill Run" empties into said river, and running thence by the centre of said run northwardly to the point at which it strikes the northern side of outlot No. one hundred and forty-two, thence west, by the said northern side of said outlot No. one hundred and forty-two, until it strikes outlot No. one hundred and forty-three, thence by the same south and seventy-six degrees west to outlot No. one hundred and forty-eight, thence north fourteen degrees west by the line of outlots No. one hundred and forty-eight, and one hundred and forty-nine, and one hundred and fifty, to the north-east corner of lot No. one hundred and fifty, thence south seventy-six degrees west, by the line running between outlots No. one hundred and fifty, one hundred and fifty-one, one hundred and seventy four, one hundred and seventy-five, and one hundred and eighty-two, one hundred and eighty-three, to the north east side of Pasture Lane, thence by Pasture Lane, northwardly to Island Lane, thence westwardly by the north side of said Island Lane to a street which runs southwardly betwixt outlots No. two hundred and fifty-one, and two hundred and fifty, two hundred and fifty-seven and two hundred and fifty-six, thence south by the south-west side of said street to Ohio Lane, thence by the north side of Ohio Lane to Fulton street, which runs betwixt outlots Nos. two hundred and sixty one, and two hundred and sixty-two, two hundred and seventy, two hundred and sixty-nine, thence by the south-west side of said Fulton street to Water Lane, thence by the north-west side of Water Lane

to the south-west side of Ferry Lane, thence by the same south fourteen degrees east to the midde of the Ohio river, thence by a line up the middle of the same and of the Allegheny river, along the line of the city of Pittsburg, to a point opposite the place of beginning, thence by a straight line to the place of beginning.

SECTION 5. That from and after the first day of July eighteen hundred and thirty-eight, so much of the first section of the act entitled "An act erecting the town of Allegheny into a borough," as by this act is supplied be and the same is hereby repealed. Repeal of part of former act.

WHEREAS, an act was passed on the tenth day of April, A. D. one thousand eight hundred and twenty-eight, authorizing the Governor to incorporate the Mount Pleasant Free Road company, in the county of Westmoreland, which act provides that no person shall have more than five votes at any election, and that every person shall have one vote for every ten dollars subscribed up to that number, and that all elections shall be held on the second Monday of April in each and every year, and afterwards by an act passed the fifth day of April, A. D. one thousand eight hundred and thirty, entitled An act relative to certain turnpike corporations it was enacted that the president and managers of the Mount Pleasant Free Road company were to open books and receive an additional subscription of stock to said company, not exceeding two hundred shares at fifty dollar per share, for the purpose of improving the bed of said road with stones or gravel, and that the company hereafter shall be known by the name and title of the Mount Pleasant and Pittsburg Turnpike Road company : *And whereas*, in consequence of the foregoing recited acts difficulties have arisen as to what amount of stock constitutes a voter at their elections for managers and other officers ; Therefore, Preamble rel'e. to M't. Pleasant Free Road Co. & the M't. Pleas't & Pittsburg TurnpikeCo

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders of the Mount Pleasant Free Road and those of the Mount Pleasant and Pittsburg Turnpike Road companies, after the passage of this act, shall be governed, restricted and regulated by the act incorporating the Mount Pleasant and Robbstown Turnpike Road company. To be regulated by the act incorporating the M't. Pleas't. & Robbstown TurnpikeCo.

SECTION 7. And the said Mount Pleasant and Pittsburg Turnpike Road company, shall, after the passage of this act, hold their elections on the first Monday in January in each and every year. Annual election.

SECTION 8. That the commissioners of the county of

Cumberland Co. School teachers to be paid. Cumberland shall settle the accounts of the teachers of schools in the county of Cumberland, for teaching the children of said county, who parents were unable to pay for their schooling, and for stationary furnished for the use of the said children, between the first day of January, eighteen hundred and thirty-five, and the first day of August, eighteen hundred and thirty-six, and pay to the said teachers the amount, which may be ascertained according to the rule provided in the act entitled "An act to provide for the education of the poor gratis, for ascertaining the sum to be due to such teachers respectively.

Governor to appoint a measurer of marble.

SECTION 9. That the Governor be, and he is hereby authorized and required to appoint a measurer of marble, whose duty it shall be faithfully to measure all marble, in the rough, brought into the city and county of Philadelphia for sale, when thereto required by the parties or either of them, whose compensation shall be one cent per foot for cubic marble, and one fourth of a cent per foot for slab marble.

Appeals from county Auditors.

SECTION 10. That the courts of Common Pleas shall direct the form in which the issues shall be entered in all appeals now pending, or which may be hereafter taken, from the reports of county auditors, and the same may be submitted to reference or arbitration, in the same manner as is provided in the act relating to reference and arbitration, passed sixteenth June, eighteen hundred and thirty-six, and the proceedings thereupon shall be the same as are provided by the said act.

Rel'e to the costs.

SECTION 11. In case the appellant or appellants shall not recover final judgment in court more favorable to him or them than the report of auditors, he or they shall pay all costs that may accrue on his or their appeal; but if he or they should recover, in court, a final judgment more favorable than the report of the auditors, then the appellee or appellees shall pay all costs that may accrue on such appeal.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 76.

An Act

For the relief of William Hill and others, Soldiers and Widows of
Soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay, to William Hill, Henry Haller, Margaret Laughery, Gideon Gibson, Eleanor Rayborn, Joseph Everett, and Hugh Callan of Armstrong county, Catharina Fiss of Philadelphia county, Martha Ross of Chester county, Esther Conway of Montgomery county, Elizabeth Gilmore of Crawford county, Rosannah Means, Elizabeth Baker and William Magaw of Mercer county, Jacob Whitman of Venango, Jacob Fare of Mifflin county, John Clawes of Allegheny county, and Matthias Fry of Rockbridge county, in the state of Virginia, Soldiers and Widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and thirty-eight; and to Jacob Labon of Allegheny county, Nicholas Mack of Philadelphia county, and Peter Stambaugh of Franklin county, or to their respective orders, forty dollars each immediately, as a gratuity, the foregoing gratuities and pensions to be paid in conformity with the existing laws.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 77.

A Supplement

To the act entitled "An act to incorporate the Middleport and Pine Creek Railroad Company," and for other purposes.

- Act of April 6, 1830, revived.
 Proviso.
 2d Proviso.
 Authority to extend the railroad.
 Capital stock.
 Number of votes to be graded.
 Repeal.
 Phil'a, Wil-
 mington and
 Balt. R.R. Co.
 & other R.R.
 Co's. author-
 ized to unite
 certain roads
- SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act of the sixth day of April, Anno Domini one thousand eight hundred and thirty, entitled, "An act to incorporate the Middleport and Pine Creek Railroad company, be, and the same is hereby revived: *Provided,* That the said railroad be commenced within two years from this date, and finished within six years from the time of its commencement: *And provided also,* That Edward B. Hubley, Joseph H. Spayd, John Miller, and Peter Filbert, be additional commissioners, and that, upon a certificate from three or more of the commissioners that the requisite number of shares of stock have been subscribed, and amount required thereon paid, the Governor shall, by letters patent under his hand and the seal of this commonwealth, create and erect the said subscribers into a body politic and corporate, in deed and in law, in manner and form as is provided for in the act to which this is a supplement.
- SECTION 2. *And be it further enacted by the authority aforesaid,* That the said company are authorized to extend the railroad aforesaid, should they deem it expedient to do so, from Middleport up the Cascawilliam creek to the Mine Hill, under the same limitations and restrictions provided for in this act, and the act to which this is a supplement.
- SECTION 3. The capital stock of the said company shall consist of ten thousand shares of fifty dollars per share, and the by-laws shall grade the number of votes to which the shareholders shall be entitled.
- SECTION 4. That so much of the act to which this is a supplement as is or may be inconsistent herewith, be and the same is hereby repealed.
- SECTION 5. That the president and directors of Philadelphia, Wilmington and Baltimore Railroad company, and the president and directors of any other railroad company, are hereby authorized and empowered to unite such railroads, as are constructed and terminate in the county of Philadelphia, the location of which is hereby confirmed, by curves, switch,

turning platforms, or otherwise, so as to form a continuous line of railroad with railroads of other companies in this commonwealth : *Provided*, That each company is entitled to all the privileges and immunities which such company now possess, have and enjoy, under their respective charters : *Provided*, That no change shall be made in the location of the curves, switches, turning platforms, or other appurtenances of said railroads, or any of them, within the county of Philadelphia, without the consent of the judges of the Quarter Sessions of the county of Philadelphia. Proviso. 2d. Proviso.

SECTION 6. That the Appraisers of Damages be authorized to estimate the full loss suffered by any citizen in consequence of the use of the railroads and canals of the state, by the public agents, from sparks falling from locomotives. Loss suffered by fire estimated by canal apprs.

SECTION 7. That the same proceedings shall be had as in case of other appraisements of damages, and that the amount be immediately paid out of the state treasury to the persons aggrieved, on a certificate of the damages by the appraisers, accompanied with the proper warrant. Proceedings & payment

SECTION 8. That if any person shall wilfully and maliciously set fire to, destroy or injure any part of a locomotive or stationary engine, engine house, bridge, culvert, tressel work, or other building or structure belonging or appurtenant to any railroad, constructed or located by this commonwealth, or by any company authorized by law to construct a railroad, or shall wilfully and maliciously obstruct any such railway, or do any damage to the materials, or any part thereof, or shall put any timber, stone, iron or other matter thereon, or do any other act in relation to such railroad, whereby the lives of persons or property employed or transported on the same shall be endangered, such person or persons shall, upon conviction of such offence, before any court of competent jurisdiction, be sentenced to pay the damages caused by such offence, and to be imprisoned in the jail of the proper county, or in one of the penitentiaries in the state, for any term not exceeding five years. To protect railroads from wilful or malicious injury. Penalty.

SECTION 9. That if any person shall wantonly derange or displace the fixtures or machinery of any locomotive or stationary engine, or inclined plane used or employed on any railroad as aforesaid, or shall put in motion any machine, engine, car or other vehicle upon or belonging to any such railroad, without the consent of the person having the charge of the same, or shall destroy or injure any fence, or wall, or cross road passing over or under such railroad, such person or persons shall forfeit any sum, not exceeding one hundred dollars, and pay all damages caused by such offence, such person or persons may also be prosecuted criminally, and Penalty for defacing fixtures, &c.

on conviction of the said offences, or either of them, be sentenced to imprisonment, not exceeding twelve months, in the jail of the proper county.

Penalty for leading or driving animals upon the banks or sideways.

SECTION 10. That if any person shall wilfully and wantonly, without the consent of the person having charge of any such railroad, lead drive, or cause to be led or driven, any horse, mule, ox, sheep, swine or other cattle on such railroad, or upon the banks or sideways thereof, or haul any other vehicle than railroad cars upon any such railroad, except at places constructed for crossing the same, or use any animal or vehicle on such railroad, contrary to the regulations of the Canal Commissioners, or of the board of managers or directors, as the case may be, such person or persons shall forfeit twenty-five dollars and pay all damages arising from such offence.

Penalty for constructing buildings of any kind on the grounds belonging to any railroad.

SECTION 11. No person shall construct any building, wharf, platform, switch, sideway, lateral railroad or crossing place, or make or apply any device whatever on the ground set apart for, or belonging to or forming part of, or on the banks or excavation of any railroad as aforesaid, without permission given under the authority of the Canal Commissioners, or of the managers of the proper railroad company, as the case may be, which permission shall only be given in writing, by a person duly authorized for that purpose; and if any person shall commence or make any such construction or device without such permission, or shall not conform to the direction of the proper officer or agent in the case, in the construction of such building, wharf, platform, switch, sideway, lateral railroad, crossing place or device as aforesaid, such person shall, for every such offence, forfeit and pay a sum not exceeding one hundred dollars, and the officer or agent having charge of such railroad may, at the expense of such person, remove and destroy every such structure or device as aforesaid: *Provided*, That nothing in this act shall prevent any corporation authorized to make a railroad, or individual owning land contiguous to a railroad, from laying rails on his or their land and connecting the same with such railroad, in such manner as shall be directed by the managers thereof.

Proviso.

C. Comm'rs authorized to make rules, &c.

SECTION 12. The board of Canal Commissioners shall have power to make such rules and regulations, not inconsistent with the laws of this commonwealth, as to the form and structure of locomotive engines and vehicles used upon the state railroads, for weighing and inspecting such engines and other vehicles, and their landing, for collecting toll, and in all matters connected with the use and preservation of the railroads, and impose such fines, for the breach of such

rules and regulations, as they may deem reasonable: *Provided*, That no line so imposed shall, for a single offence, exceed twenty-five dollars. *Proviso.*

SECTION 13. All penalties, fines and forfeitures imposed by this act, or by the Canal Commissioners in pursuance thereof, may be recovered before any court having competent jurisdiction, in actions of debt, in the name and for the use of the commonwealth, or in the name and for the use of the corporation suing for the same, and the suits may be brought by any person duly authorized for that purpose by the Canal Commissioners, or by the proper corporation, as the case may be, and the parties in all such suits shall have the same right of appeal to the courts of Common Pleas as in other cases of like amount under existing laws. *Mode of recovery covering the penalties, fines and forfeitures imposed by this act.*

SECTION 14. The first, second, third, fourth, fifth, sixth and seventh sections of the act entitled An act to protect the Railroads and repair the Canals constructed at the expense of the state, are hereby repealed, but any suit or prosecution, commenced under the provisions of the said sections, may proceed with the same effect as if this act had not been passed. *Repeal of certain sections.*

SECTION 15. That the charter of the Philadelphia Society for promoting agriculture shall be, and the same is hereby extended and continued in force for the term of twenty years, from the twenty-seventh day of March, Anno Domini one thousand eight hundred and thirty-nine. *Phila. Soc'ty for promot'g agriculture. Charter extended 20 years.*

SECTION 16. That the sum of fifteen hundred dollars be, and the same is hereby appropriated for repairing and improving the powder magazine in the township of Passyunk, in the county of Philadelphia, the same to be expended under the direction of the Governor, or by such person or persons as he shall select to superintend the said repairs and improvements. *State Magazine in Phila. co., \$1500 appropriated for repairing*

SECTION 17. That the time to commence the New Hope, Doylestown and Norristown Railroad, is hereby extended two years from the passage of this act. *New Hope, Doylestown & Norristown R. R. time for making extended*

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 78.

An Act

For the relief of the West Chester Railroad company, and for other purposes.

Preamble.

WHEREAS, the West Chester Railroad company have constructed their road at an expense of over one hundred thousand dollars and while it yields a handsome revenue to the commonwealth, it pays little or nothing to the stockholders: *And whereas*, the superstructure of said road has begun to decay, and will soon require to be entirely replaced, without the said company having the means to keep it up: *And whereas*, the interest of the state requires that the said road should be kept up as a tributary to the public works; Therefore,

An acc't of
tolls to be
kept & paid
to the Co.
annually un-
til they am't
ed to keep a
separate ac-
count of all
tolls received
from in the
aggre- gate
to \$25,000.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the collectors on the Pennsylvania Railway, between Columbia and Philadelphia, be required to keep a separate account of all tolls received from in the aggregate transportation and passengers, and every other source brought on to said railway, from the West Chester Railroad, and that the said tolls at the expiration of each and every year, be paid over to the said West Chester Railroad company, to enable them to restore and keep up the superstructure of their said road, until in the aggregate they shall amount to the sum of twenty-five thousand dollars, that being about the estimated amount of the cost of such repairs, and no longer.

Canal Com-
miss's. to
keep up Rail-
road bridges
in the city of
Lancaster.

SECTION 2. That the Canal Commissioners are hereby authorized and required to repair or rebuild, and keep in good condition, such bridges as have been erected over the Columbia and Philadelphia Railroad, within the limits of the city of Lancaster, and which may continue to be necessary for the accommodation of travellers and persons through whose ground the said railway passes.

Saltsburg
Bridge Co.
number of
shares may
be increased.

SECTION 3. That so much of the first section of the act to which this is a supplement, as limits the number of shares to be subscribed to the stock of the Saltsburg Bridge, to one hundred and fifty, be and the same is hereby repealed, and the commissioners of said company are hereby authorized to receive subscriptions for three hundred shares as aforesaid.

SECTION 4. That the Canal Commissioners be and hereby Canal Com-
are required to cause a bridge, of such structure and missioners
on such place as they shall believe most beneficial, to required to
be erected and constructed across the Shenango river, at erect a bridge
the place where the road leading from Mercer to the line across the
of the state of Ohio crosses the same, in the town of She- Shenango
nango, in Mercer county, and that they pay the expenses river.
thereof out of any money in the treasury not otherwise ap-
propriated by law : *Provided*, That, the same shall not ex- Proviso.
ceed three thousand dollars.

SECTION 5. That Job England, Benjamin Hartshorn, Curvensville
Joseph Bredin, William Irvin, James Ray, Christian Ere- Bridge Co.
hart, Josiah W. Smith, be and they are hereby appointed
commissioners to do and perform the several duties herein-
after mentioned; they or any three of them shall, on or be- Commiss'rs.
fore the first day of November next, procure one or more to procure
books and therein enter as follows : " We whose names are books.
hereunto subscribed do promise to pay to the president, and
managers and company for erecting a bridge over the Sus-
quehanna, at the village of Curvensville, in the county of
Clearfield, the sum of ten dollars for every share of stock
in the said company set opposite to our respective names, in
such manner and proportions and at such times as shall be
determined by the president and managers, in pursuance of
act of the general assembly authorizing the Governor to
incorporate a company to erect a toll bridge over the Susque-
hanna river at the village of Curvensville," and shall there-
upon proceed to receive subscriptions for the stock of said
company, at such times and places as they shall think proper.

SECTION 6. When fifty or more shares of the said stock
shall be subscribed, the said commissioners or any three of
them, shall certify under their hands and seals, to the
Governor of the Commonwealth, the names of the sub-
scribers and the number of shares subscribed, and thereupon
it shall and may be lawful for the Governor, by letters pat- Letters
ent, under his hand and the seal of the state, to create and patent.
erect the said subscribers, and also all those who may after-
wards subscribe, into one body politic and corporate in deed
and in law by the name, style and title of "The Curvensville
Bridge company," and by the said name the said subscri-
bers shall have perpetual succession, and all privileges and
franchises incident to a corporation, and shall be capable of
taking and holding their said capital stock and the increase
and profits thereof, and of enlarging the same from time to
time by new subscriptions, in such manner and form as they
shall think proper, if such enlargement should be found ne-
cessary to fulfil the intent of this act, and of taking, purchasing

Form of sub-
scription.Letters
patent.Name, style
and title.

Privileges.

and holding, to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments, and estates real & personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Organiza-
tion.

SECTION 7. A majority of persons named in the letters patent, shall, so soon as conveniently may be after receiving the same, give notice in any one or two of the newspapers of the county of Clearfield, of the time and place by them appointed, not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot either in person or by proxy, duly authorized, one president, and six managers and one treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the

Proviso.

To have like
powers and
penalties as
the Clearfield
Bridge Co.

affairs of the said company: *Provided*, That each person shall be entitled to one vote for every share not exceeding ten, and two votes for every five shares above ten, and generally to have like powers, authority and privileges for erecting and completing the said bridge, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures and entitled to take the like tolls and profits, as are given and granted in the fourth and fifth sections of the act incorporating the Clearfield Bridge company, passed the seventeenth day of January, eighteen hundred and thirty-two.

Port Clinton
Bridge Co.

SECTION 8. That Abraham Kline, Abraham Morborger, John Renshler, Christian Knaus, George Sayman, George Rick, John Hummel, John Bond, George Moser, Isaac Meyers, Samuel De Pui, Gabriel Matz, and Daniel Shollenberger, be, and the same are hereby appointed commissioners,

Commission-
ers to pro-
cure books.

to do and perform the several duties hereinafter mentioned, that is to say; they shall, on or before the first Monday of August next, procure a book or books and enter therein as follows: "We whose names are hereunto subscribed do promise to pay to the president, managers and company, authorized to erect a bridge over the river Schuylkill, at a point as near above the forks of the two rivers, in the county of Schuylkill, as may be agreed upon by said company, for the use of the said company, the sum of twenty dollars for each share of stock set opposite to our respective names, in

Form of sub-
scription.

such manner and proportions and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled, "An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c.; witness our hands this day of one thousand eight hundred and ;" and shall thereupon give notice in one newspaper printed in each of the counties of Schuylkill and Berks, for one calendar month at least, of the time and places when and where such book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until one hundred shall be subscribed, when the books shall be closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to one hundred shares, as aforesaid, the books shall be closed: *Provided, always,* That every person offering to subscribe in the said book or books, in his own name or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers thereof chosen as is hereinafter directed: *Provided,* That the commissioners of the counties of Schuylkill and Berks, or a majority of them, may subscribe for any number of shares they may deem expedient.

Who may
subscribe.Number of
shares.

Proviso.

2d Proviso.

SECTION 9. When seventy-five shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one

Letters patent.

Name style and title.	body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company of the Port Clinton Bridge, near the forks of the river Schuylkill, and by the said name the subscribers shall have perpetual succession and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscription, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estates, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a body politic or corporate may lawfully do.
Privileges.	
Organization	SECTION 10. That any three persons named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in one public newspaper printed in each of the counties of Schuylkill and Berks, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, elect one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.
Annual election.	SECTION 11. A public meeting of the stockholders shall be held, annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: <i>Provided</i> , That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatsoever number of shares he may be entitled to, and that every person shall be entitled to one vote under four shares, and for four two votes, and then for every four shares one to ten and no more.
Proviso.	

SECTION 12. The president and manages shall procure certificates of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer, in part for the sum due thereon, five dollars on each share, which certificate shall be transferable either by the owner in person or by his attorney, duly authorized, in the presence of the president, or of the treasurer for the time being, subject however to the payment due or growing due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

Certificates
of stock.

Transferable

SECTION 13. The said president and managers shall meet at such time and place and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions truly inserted in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary, for the erection of said bridge, and to fix their salaries and wages, or at their discretion, make contracts for the erection or construction of the same, on any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also do and transact all matters and things as by this act or the by-laws of the said company shall be committed to them.

Meetings.

Quorum.
Minutes.

Powers.

SECTION 14. If any stockholder, after thirty days notice given in any one newspaper printed in each of said counties, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for a space of time that the accumulated penalties shall be equal to the sum before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person.

Penalty for
neglecting
to pay in-
stalments.

Forfeiture.

or persons willing to purchase for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

SECTION 15. Whenever it shall appear to the said president and managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Tolls.

SECTION 16. When a safe passage may be had across the said bridge the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates, and demand and receive toll not exceeding the following rates, to wit: For every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents, and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages, with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon, with two horses, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen at all times to cross it, the said president and managers however, to have the power to increase the rate of toll, to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade of horses drawing the same: *And provided also*, No toll shall be demanded from any person attending funerals, churches or school, or going to or returning from any militia training.

Proviso.

2d. Proviso.

SECTION 17. If the said company, or their successors or any person or persons by their authority, shall collect or

demand any greater toll for passing over said bridge than ^{Penalty for} what is hereinbefore prescribed and specified, or shall ^{demanding} neglect to keep the same in good repair, or to keep a list of ^{illegal toll.} the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECTION 18. The said president and managers shall keep ^{Just acc'ts} a just and true account of all the monies received as toll for ^{to be kept.} crossing the said bridge, otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, ^{Proviso.} That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest on such security, or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

SECTION 19. It shall be lawful for the president and ma- ^{Toll collect-} nagers aforesaid, to cause the toll collector or collectors, and ^{ors & watch-} watchman or men of said bridge, to take and subscribe an ^{men to be} oath or affirmation before a justice of the peace of said ^{sworn or} county, that he or they will faithfully conduct him or them- ^{affirmed.} selves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty by watching with vigilance over the interest of the company and safety of the bridge, and generally to execute, with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said company.

SECTION 20. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said

Penalty for
injuring the
bridge.

bridge, or of any toll house, gates, bars, or any other property of the said corporation appertaining to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or order of said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to said corporation, the sum of ten dollars, to be recovered before a justice of the peace, as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern or in some vessel secured, so that the possibility of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol, gun, or other fire arms on or near said bridge, so that the said bridge might by possibility be set on fire or injured thereby, he or she so offending, shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed, and he or they so offending shall remain liable to actions at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation company in their works.

Proviso.

SECTION 21. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of four years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall, annually, in the month of January, publish in one or more newspapers printed in the counties of Berks and Schuylkill, a full account of the costs of building and repairing said bridge, and the amount of toll received.

SECTION 22. If at any time hereafter the counties of Schuylkill & Berks, or either of them, the state of Pennsylvania, or any incorporated town in the state, shall think

proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such sum as a jury of twelve disinterested men, appointed by the court of Common Pleas in either of the above mentioned counties, may adjudge the same to be worth, estimating the tolls at six per cent. per annum on the cost of construction.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 79.

An Act

To encourage the destruction of Foxes and Wild Cats, in the counties of Lebanon, Luzerne, Wayne, Pike, Monroe, Susquehanna and Tioga.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act any person or persons who may kill any fox or foxes, wild cat or wild cats, within the bounds of the county of Lebanon, in this commonwealth, and who shall produce the scalp or scalps, having the ears thereon, before any justice of the peace in and for said county, as aforesaid, it shall be the duty of such justice to examine such person or persons, on oath or affirmation, touching the time when and the place where such fox or foxes, wild cat or wild cats, was or were taken and killed, and if the place or places of such taking and killing shall be found to be within the bounds of the aforesaid county, it shall be the duty of such justice to give the person or persons a certificate of the facts to the commissioners of said county, together with the scalp or scalps as aforesaid, and the said commissioners, upon the receipt thereof, shall immediately have such scalp or scalps destroyed; and thereupon draw their warrant on the county treasurer, if for

Premiums. the scalp of a full grown fox, the sum of fifty cents, and for those that are not full grown the sum of twenty-five cents, and if for the scalp of a full grown wild cat, the sum of one dollar and fifty cents, and for those that are not full grown the sum of seventy-five cents for each and every scalp so produced as aforesaid; and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of said order.

Scalps of foxes & wild cats killed in Luzerne, Wayne, Pike, Monroe, Tioga and Susquehanna counties. **SECTION 2.** That from and after the passage of this act, any person or persons who may kill any red or grey fox or foxes, wild cat or wild cats, within the counties of Luzerne, Wayne, Pike, Monroe, Tioga and Susquehanna, in this commonwealth, and who shall produce the scalp of such fox or foxes, wild cat or wild cats, having the ears thereon, before any justice of the peace in and for the county in which the same has been taken, it shall be the duty of such to examine such person or persons, on oath or affirmation, touching the place where and time when such fox or foxes, wild cat or wild cats, was or were taken and killed, and if the place or places of such taking and killing shall be found to be within the bounds of the proper county, it shall be the duty of such justice to give the person or persons a certificate of the facts, to the commissioners of the county, together with the scalps as aforesaid; and the said commissioners, upon the receipt thereof, shall immediately have such scalp or scalps destroyed, and thereupon draw their warrant on the county treasurer of the proper county; for the scalp of a full grown red or grey fox, fifty cents, and if for the scalp of a full grown wild cat, seventy-five cents, and for those that are not full grown, either fox or wild cat, twenty-five cents, for each and every scalp so produced as aforesaid; and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of said order.

Premium for fox scalps.
Premium for wild cat scalps.

Repeal. **SECTION 3.** *And be it further enacted by the authority aforesaid,* That so much of any former act or acts, as are hereby altered and supplied, be and they are hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 80.

A Further Supplement

To the act entitled "An act to incorporate the town of West Chester, in the county of Chester into a borough."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of introducing into the borough of West Chester a sufficient supply of fresh and pure water, the burgesses and assistant burgesses of the said borough, be, and they are hereby authorized and empowered, to purchase and hold, in fee simple or for any less estate, any water power or powers near or convenient to the said borough, or any lands, tenements or hereditaments, to which any water power or powers may be appurtenant, with full power the same or any part or parts thereof to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber and demise, and dispose of at their will and pleasure; and also to take, occupy and enjoy any stream of water or spring near or convenient to the said borough, or any lands to which any stream of water or spring may be appurtenant, with full power to hold the same for the purpose above mentioned, they doing as little damage as possible, and making compensation to the owner or owners thereof, in the manner hereinafter provided for: *Provided,* That nothing in this act contained, shall authorize the taking and diverting the waters of Chester creek for the purposes aforesaid.

Authority to purchase water power, &c. for the purpose of introducing pure water into the borough.

SECTION 2. The said burgesses and assistant burgesses of the said borough of West Chester, in council assembled, are hereby authorized and empowered, for the purpose of carrying into full effect the objects of this act, to borrow any sum or sums of money, not exceeding fifty thousand dollars, in the name and upon the faith, credit and responsibility of the said borough, and to impose and assess such tax or taxes, from time to time, as may be necessary to pay the interest upon such loan, and to redeem the principal at such time and in such manner as may be conformable to the terms upon which the same shall have been taken.

Authority to borrow \$50,000.

SECTION 3. The said burgess and assistant burgesses of said borough shall provide, erect and maintain all works and machinery, or engines necessary or proper for raising and maintain introducing into the said borough a sufficient supply of fresh and pure water, and shall provide, erect and maintain all

Authority to erect and maintain works.

proper cisterns and reservoirs for the reception of the water they may so introduce, and for this purpose they are hereby authorized and empowered, by themselves, their agents, artisans, engineers and workmen, with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, from time to time, and at all times hereafter, to enter into any such lands and enclosures and public or private roads or highways, as may be necessary, and to occupy, dig, ditch and lay pipes through the same, and to erect and maintain thereon such cisterns and reservoirs as may be needful and proper for the purposes aforesaid; and the same to raise, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof in the manner hereafter provided for.

Authority to
enter upon
lands.

SECTION 4. the said burgesses and assistant burgesses of West Chester, their superintendents, engineers and laborers, with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, may enter upon the lands contiguous to the dam or dams, works, cisterns and reservoirs which they may erect on the route upon which they may lay their pipes, first giving notice to the owner or owners thereof, and from thence take and carry away stone, earth, sand or other material necessary to the construction of the said dam or dams, works, cisterns and reservoirs, or to the proper laying down of the said pipes, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

Damages.

Mode of as-
certaining &
recovering
damages.

SECTION 5. If the parties cannot agree upon the compensation to be made to the owner or owners of such lands and enclosures, or to any person or persons who may be injured by the diversion of the waters that may be used by the said borough for the purposes aforesaid, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall act under oath or affirmation, a majority of whom shall be competent to make an award in the case, or if they cannot agree on such persons, then either of the parties may apply to the court of Common Pleas of the county of Chester, and the said court shall award a venire, directed to the sheriff, to summon six disinterested men of his county, in order to ascertain and report to the said court what damages, if any, has been done by the burgesses and assistant burgesses of the said borough of West Chester, which report being confirmed by the court, judgment shall be entered thereon and execution may issue in case of non payment of the sum awarded, with reasonable costs, to be assessed by the court: *Provided,*

Provided,

That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office of said county, in the same manner as appeals are allowed in other cases, whether the said report was made by persons agreed upon by the parties or summoned by the sheriff, upon which appeals such proceedings shall be had as are used in actions for damages at common law.

SECTION 6. The said burgesses and assistant burgesses of Authority to West Chester, in council assembled, shall have full power to fix hydrants and authority to pass, ordain and enact all laws and ordinances, necessary to enable them to convey the said water and price for through the borough, in all directions, and to fix hydrants the use of or fire plugs wheresoever they may deem proper, and to fix the water. and determine the uniform rates of prices to be paid by the citizens for the use of the said waters, and to protect the water works, cisterns, reservoirs, pipes, plugs and hydrants from damage or destruction, and generally to do all things requisite and necessary for carrying into full and perfect effect the objects contemplated by this act.

SECTION 7. If any person or persons shall wilfully take, Penalty for lead, conduct, or carry off, or shall knowingly suffer or permit to be taken, led, conducted or carried off any offal or any corrupting putrid, noxious or offensive matter, from any dye-house, or the water, or still-house, brew-house or tan-yard, or from any manufacturing works. water works. ry whatever, into the dam or dams that may be purchased or erected by the burgesses and assistant burgesses of West Chester, for the purpose of introducing water into the said borough, or shall throw, cast or wilfully suffer to fall into the dam or head race of the water works, or into any reservoir or reservoirs, to be erected by the said burgesses and assistant burgesses of Chester county, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall go in to swim or bathe in the said dam, race, reservoir or reservoirs, or shall entice, throw, lead or conduct any animal therein, or shall cut, deface, mutilate or otherwise injure any part of the buildings, machinery or work that may be erected or purchased by the said burgesses and assistant burgesses of the said borough, in pursuance of the powers given by this act, every such person or persons so offending, shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the magistrate, to be recovered with costs of suit, in the same manner as debts under one hundred dollars are recoverable, by any person that shall sue for the same, before any justice of the peace of Chester county, one half to the use of the person suing for the same, and the other to the use of the burgesses and assistant

burgesses of the said borough of West Chester; and if any person or persons so offending against the provisions of this section, shall neglect or refuse to pay the amount for which judgment may be, as aforesaid, rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons, so offending, shall be committed to the jail of the county of Chester, for any period of time not less than five nor more than thirty days, according to the direction of the justice rendering the said judgment.

Steam, water, horse or any other power may be used.

SECTION 8. Nothing in this act shall be taken to prevent the use of either steam, water, horse or any other power, in introducing water into the borough aforesaid, the same to be fixed upon and determined by the burgesses and assistant burgesses in council assembled.

Extra power may be used.

SECTION 9. The said burgesses and assistant burgesses of the borough aforesaid, are hereby authorized and empowered to apply any extra power that they may possess more than is sufficient to supply the said borough with the requisite quantity of water, to any manufacturing or other purposes, and the profits arising therefrom to be applied towards the payment of the interest, and the liquidation of the principal sum authorized to be borrowed by this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

—* * *—

No. 81.

An Act

Authorizing the laying out of a State road from the borough of Greensburg, in Westmoreland county to intersect with the Greensburg and Pittsburg Turnpike road, at or near the house of Henry Chalfant, on Turtle Creek, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas Armstrong and Abraham*

Weaver of Westmoreland county, and Robert Carothers of Allegheny county, be, and are hereby appointed commissioners to view, lay out and mark a state road, beginning at the borough of Greensburg in Westmoreland county, to intersect the old Pennsylvania road where it crosses Brush run, at Lauffer's saw mill, and thence along said road westward, as far as may be practicable, to intersect with the Greensburg and Pittsburg Turnpike road, at or near the house of Henry Chalfant, on Turtle creek in Allegheny county.

SECTION 2. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of two dollars each, for every day they shall be necessarily employed, in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor, at two dollars and fifty cents per diem, two chain bearers, one axe-man and one target bearer, at a per diem allowance not exceeding seventy-five cents.

SECTION 3. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county

and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the court aforesaid.

How
accounts
to be adjust-
ed & paid.

SECTION 4. The accounts of the said commissioners for their own pay and for the pay of surveyors, chain carriers, markers and target bearer, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Time &
place of
meeting
of the com-
missioners.

SECTION 5. The said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Releases.

Proviso.

SECTION 6. It shall be the duty of the said commissioners to take, from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass through such person or persons' land or lands, and file the same in the commissioner's office of the proper county.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 82.

An Act

For the relief of John Vanzant, and other soldiers and widows of soldiers of the Revolutionary and Indian Wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to John Vanzant and Susannah Gallentine of Fayette county, Samuel Foreman of Armstrong county, Emanuel Zeigler of Adams county, Letitia M'Carty and Catharine Correll of Columbia county, George M'Cord of Mercer county, Hannah Long and Jane Gooden of Greene county, and Joseph Ellender of Lehigh county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January one thousand eight hundred and thirty-eight.

Gratuities & annuities to Jno. Vanzant and others, soldiers, &c.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required to pay to Jacob Labar of Monroe county, or to his order, a gratuity of forty dollars in full for his military services.

Gratuity for Jacob Labar.

SECTION 3. The State Treasurer is hereby authorized and required to pay to Robert Spear, in trust for the use and benefit of George Albright of Lancaster county, a soldier, and to Elizabeth Scott of Butler county, Edith Nunemaker of Philadelphia county, Adda Coleman of Columbia county, Catharine Huffnagle of Westmoreland county, Margaret Hetrich of Jefferson county, Charlotte Lain of Allegheny county, and Elizabeth Bainman of Lancaster county, widows of soldiers of the Revolutionary and Indian wars, forty dollars each immediately, as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities & annuities to G. Albright and others, soldiers, &c.

SECTION 4. The State Treasurer is hereby authorized and required to pay to Philip Rhule of Union county, in trust for the use and benefit of Jacob Ross of Union county, a soldier of the Revolutionary war, forty dollars as a gratuity for military services rendered by the said Jacob Ross.

Gratuity for Jacob Ross.

Repeal relative to John Hough, as attorney of Wm. Kernichon. SECTION 5. So much of the act of January twenty-third, Anno Domini eighteen hundred & eleven, entitled "An act granting an annuity to William Kernichon for life, as appoints and constitutes John Hough, the attorney of William Kernichon of Bucks county, a soldier of the Revolutionary war, for the purpose of receiving his pension, shall be and is hereby repealed; the foregoing gratuities and annuities to be paid in conformity to the existing laws.

Gratuities & annuities to Cath'e Funk & Christ'na Cromley. SECTION 6. That the State Treasurer is hereby authorized and required to pay to Catharine Funk of York county, and Christiana Cromley, widows of soldiers of the Revolutionary war, or to their respective orders, forty dollars each immediately, as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, eighteen hundred and thirty-eight, and that the act entitled An act for the relief of Andrew Keen and others, soldiers and widows of soldiers of the Revolutionary and Indian wars, passed March twentieth, eighteen hundred and thirty-eight, be and the same is hereby repealed, so far as relates to Christian Cromley.

Repeal so far as relates to C. Cromley.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 83.

An Act

To annul the marriage contract of Abraham Garner and Elizabeth his wife, Elias Walton and Sophia his wife, Charles D. Eichkoff and Rosanna his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by and between Abraham Garner and Elizabeth his wife, be and the same is hereby made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully, effectually

Divorce of A. Garner from Elizabeth his wife.

and absolutely as if they had never been joined in marriage.

SECTION 2. That the marriage contract entered into by and between Ellis Walton and Sophia his wife, late Sophia Walton from Gerhart, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, to all intents and purposes, as fully, effectually and absolutely as if they had never been joined in marriage.

SECTION 3. That the marriage contract entered into by and between Charles L. Eickhoff and Rosanna his wife, be and the same is hereby made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 84.

An Act

To incorporate the Clearfield and Curvensville Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Abraham K. Right, John R. Bloom, Richard Shaw, Christopher Kratzer, Joseph Boon, jr., Thomas Brown, William L. Moor, William Bigler, Philip Antes, George Welch, sr., Benjamin Hartshorn, Isaac Chambers, and Robert Ross, or any three of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say; they shall on or before the first Monday of June next procure one or more books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Clearfield and Curvensville Turnpike Road company, the sum of twenty-five dollars for every

Commission-
ers.

To procure
books.

Form of sub- share of stock in said company set opposite to our respective
 scription. names, in such manner and proportions and at such times as
 shall be determined by the president and managers of said
 company ; witness our hands the day of in
 the year of our Lord one thousand eight hundred and thirty-
 ; and thereupon shall give notice, in one or more papers
 printed nearest the route of the said road, for twenty days at
 least, of the time and places when and where the said books
 shall be opened to receive subscriptions for the stock of the
 said company, at which times and places one of the said com-
 missioners shall attend, and permit and suffer all persons of
 Who may lawful age who shall offer to subscribe in said books, in their
 subscribe. own names, or in the name or names of any other persons
 who shall duly authorize the same, for any number of shares
 of stock, and the said books shall be kept open, respectively,
 for the purpose aforesaid, at least six hours in every juridical
 Number of day for the space of six days, or until the said books shall have
 shares. two hundred or more shares therein subscribed; and if at the
 expiration of the said six days the books aforesaid shall not
 have the said number of two hundred shares therein subscri-
 bed, the commissioners, respectively, may adjourn from time
 to time, and transfer the said books from place to place, un-
 til the whole number of shares shall be subscribed, of which
 adjournment and transfer, the commissioners aforesaid shall
 give such public notice as the occasion may require ; and
 when the whole number of shares subscribed shall amount to
 Proviso. four hundred, the same shall be closed : *Provided always,*
That every person offering to subscribe in said books in his
own or any other name, shall previously pay to the attending
commissioner or commissioners the sum of two dollars for
every share to be subscribed, out of which shall be defrayed
such incidental charges and expenses as may be necessary
for taking such subscription, and the remainder shall be paid
over to the treasurer of the corporation, as soon as the same
shall be organized and the officers chosen as hereinafter men-
tioned.

SECTION 2. When twenty persons or more shall have sub-
 scribed one hundred shares of the said stock, the said commis-
 sioners, respectively, may, or when the whole number of
 shares aforesaid shall be subscribed, they shall certify under
 their hands and seals the names of the subscribers and
 the number of shares subscribed by each, to the Governor of
 this Commonwealth, whereupon it shall and may be lawful
 for the Governor, by letters patent under his hand and seal
 of state, to create and erect the subscribers, and if the sub-
 scription be not full at the time, then those who shall after-
 wards subscribe to the number aforesaid, into one body

Letters patent.

politic and corporate, in deed and in law, by the name, ^{Name, style} style and title of "The President and Managers of the ^{and title.} Clearfield and Curvensville Turnpike Road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a ^{Privileges.} corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. A majority of the commissioners aforesaid, as ^{Organization} soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers shall be chosen, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company : *Provided al-* ^{Proviso.} ways, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number, and generally to have ^{Powers and} like powers, authority and privileges for carrying on and ^{penalties.} completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take like tolls and profits in proportion to the distance, as are given or granted to the president and managers and company of the Bellefonte and Philipsburg Turnpike road ; and it shall be the duty of the

Road to com- president and managers of the said Clearfield and Curvens-
 mence at ville Turnpike company, to commence their road at Clear-
 Clearfield field town, thence by such route as they may determine upon,
 town. to connect with the Philipsburg and Susquehanna Turnpike,
 Proviso. at any point west of the Susquehanna river: *Provided*, That
 if the said company shall not proceed to carry on the said
 work within five years after the passage of this act, and
 shall not, within eight years afterwards complete the said
 road, according to the true intent and meaning of this act,
 then and in either of the said cases, it shall and may be law-
 Time for full for the legislature of this commonwealth to resume all
 commencing and comple- and singular, the rights, privileges, liberties and franchises,
 ting the work. by this act granted to the said company.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand
 eight hundred and thirty-eight.

JOS. RITNER.

No. 85.

An Act

Authorizing and requiring the Canal Commissioners to construct a
 schute in the Queen's Run Dam.

SECTION 1. *Be it enacted by the Senate and House of
 Representatives of the Commonwealth of Pennsylvania in
 General Assembly met, and it is hereby enacted by the au-
 thority of the same*, That the Canal Commissioners of this
 commonwealth be, and they are hereby authorized and re-
 quired to cause to be constructed, on or before the first day
 of September next, in the Queen's Run Dam, on the West
 Branch of the Susquehanna river, a schute of such dimen-
 sions and construction as to admit of the free and safe
 passage of arks, boats, rafts and other craft descending said
 river, and that the expense of said schute be paid out of any
 money in the treasury not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand
 eight hundred and thirty-eight.

JOS. RITNER.

No. 86.

An Act

To incorporate the Lancaster City and County Fire Insurance company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Emanuel C. Reigart, F. A. Muhlenburg, William Cooper, Benjamin Champneys, C. Hager, Emanuel Schaffer, Henry G. Long, John Brown, Henry Keffer, David Longenecker, John F. Steinman, George W. Hamersly, John F. Long, Christian Kieffer, Jacob Hoover, John Lintner, James Porter, Henry M. Reigart, Alexander Patterson, and James Humes, George Mayer, Thomas E. Franklin, George Ford, Jr., Philip K. Breneman, John Ehler, Zephaniah M'Lenagan, James Boon, Andrew Mehaffey, Richard Frazer, Samuel Humes, James Patterson, Little Bulen, John Steele, George W. Barton, Henry S. Weigand, Washington L. Atlee, Peter Reed, Jr., John Bear, John Shaffner, George Cooper, Henry P. Carson, Amos Ellmaker, Oristus Collins, Anthony E. Roberts, Adam K. Witmer, Robert B. Wright, Abraham Kauffman, Thomas Neel, be, and they are appointed commissioners for receiving subscriptions to the stock of a company to be called "The Lancaster City and County Fire Insurance company," and shall open a book for that purpose in the city of Lancaster, at a time and place by them to be appointed, of which they shall give not less than ten days notice in two papers printed in the city of Lancaster, and the said books shall be kept for two days, between the hours of ten and three o'clock on each day, until the number of four thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed, and all persons of lawful age, being citizens of the United States, shall be permitted to subscribe to the said stock, by paying five dollars on each share at the time of subscribing, and on the first day on which the said books shall be opened no person shall be permitted to subscribe for more than five shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall, on the second day thereafter, permit any person or persons aforesaid to subscribe for any number of the shares remaining : *Provided*, That if the subscriptions on the first and second days should exceed the

Commiss'rs.

To open
books for
subscription.Number of
shares.Who may
subscribe.

Proviso.

number of four thousand shares, the shares of each subscriber shall be reduced in proportion, so however, that no individual shall, without his consent, have his subscription reduced below two shares.

SECTION 2. That when the whole number of shares in the capital stock as aforesaid shall have been subscribed, and at least five dollars on each share paid in, the said commissioners shall certify to the Governor, under their hands and seal the names of the subscribers, and the number of shares by them subscribed, respectively, and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of the Lancaster City and County Fire Insurance company, by which name the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, hold, have and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, demise, grant, alien or dispose of:

Provided, That the real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due the corporation, and that the yearly income of said real estate shall not at any time exceed the sum of ten thousand dollars: *And provided also,* That the said company shall have authority to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution or laws of the United States or of this state, and generally to do all and singular the matters which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering of the affairs thereof.

SECTION 3. That the capital stock of the Lancaster city and county Fire Insurance company may be hereafter increased to any sum not exceeding six thousand shares, of fifty dollars each, if the holders of two thirds of the stock shall at any of their meetings regularly convened so order, and the increase shall be subscribed for in such manner and on such terms as they shall direct; the capital stock of the company, by this act incorporated, as well as the stock which may be created in addition to it by the

increase aforesaid, shall be held by the proprietors thereof, and be transferable by them or their assigns, respectively, on the terms and in the manner hereinafter specified, that is to say : each and every subscriber shall, within ten days after public notice given by the president and directors in any two papers printed in the city of Lancaster, pay, or cause to be paid to the said president and directors, for the use of the said corporation, the amount of the shares so subscribed, in such sum or sums, and at such time or times as they the said president and directors shall in their discretion direct and appoint, and if any subscriber, his or her assignee or transferee, shall refuse or neglect to pay the first or any subsequent instalment called for and demanded by the president and directors aforesaid, such subscriber, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the discretion of the stockholders of the said corporation.

Forfeiture.

Penalty for neglecting to pay instalments.

SECTION 4. That for the well ordering of the affairs of the said corporation there shall be ten directors, who shall be citizens of this commonwealth and stockholders of the said corporation, holding at least two shares each in their own right, elected annually, on the first Monday in October, by the stockholders, at their general meeting for that purpose assembled, public notice of the time and place of holding such election having been given in at least two newspapers published in the city of Lancaster, not less than five days previous to holding the same, and the directors at their first meeting after each election shall choose one of their number as president; but in case it should happen at any time that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, and it shall be lawful, on any day within thirty days thereafter, to hold and make an election of directors, in such manner as shall be regulated by the by-laws and ordinances of the said corporation, and in case of any director's death or resignation his place shall be filled for the remainder of the year in such manner as the ordinances of the said corporation shall for that purpose direct : *Provided*, That the first election of directors shall be held at a time and place to be appointed by the commissioners before mentioned, they giving notice thereof in manner aforesaid, and directors so chosen shall hold their offices until the first Monday of October, one thousand eight hundred and thirty-eight, and until new directors shall be chosen.

Organizat'n and annual election.

Proviso.

Ratio of
votes.

SECTION 5. That the votes of the stockholders for directors shall be by ballot, and for the election of directors, and for the deciding of all questions in the general meeting of the stockholders, the ratio of votes shall be as follows, to wit : a stockholder having five shares or less, one vote ; six shares and not more than nine, two votes ; ten shares and not more than fourteen, four votes ; fifteen shares and not more than nineteen, six votes ; twenty shares and not more than twenty-four, eight votes ; twenty-five shares and not more than twenty-nine, ten votes ; thirty shares and not more than thirty-four, twelve votes ; thirty-five shares and not more than thirty-nine, fourteen votes ; forty shares and not more than forty-five, sixteen votes ; forty-five shares and not more than forty-nine, eighteen votes ; fifty shares and upwards, twenty votes ; but no stockholder shall be entitled in his own right or as a proxy, to a greater number than twenty-five votes, nor shall any stockholder vote at any election for directors, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name on the books of the said corporation for at least three months previous to such election.

Powers.

SECTION 6. That the president and directors of the said corporation for the time being shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for conducting and executing the business of the said corporation, as well in the said city and county of Lancaster as elsewhere, and to allow the said persons so appointed such compensation for their services, respectively, as they shall deem reasonable, and generally to exercise all other powers and authorities for the well governing and ordering of the affairs and funds of the said corporation as this act confers or allows, or as may be hereafter conferred or allowed by the laws, regulations and ordinances of the said corporation.

Employment
and improve-
ment of the
capital stock.

SECTION 7. That it may be lawful for the said corporation to employ and improve the capital stock thereof, and all monies received for premiums, which by the tenth section of this act the president and directors are directed to retain until the risks upon which such premiums have been received are fully determined, in the stock of the United States, or of this or any one of the United States, or of any bank authorized by the United States, or of this state, or any of the United States, or to lend the same or any part thereof, upon good and sufficient security ; and also to sell and dispose of, and transfer all or any of the said stock and securities, and invest the proceeds thereof in like and other such stock and securities : *Provided*, That nothing herein

Proviso.

contained shall in any way be construed to authorize the said Banking company to use the funds of the institution for banking purposes prohibited.

SECTION 8. That the president and directors shall have Of insurance full power on behalf of said corporation, to make insurance against losses by fire, on any house, tenement, manufactory or other building, and on goods, wares, merchandise and effects therein, and on hay, grain and other agricultural products in barns, stacks or otherwise, and generally on all kinds of buildings, and of goods, wares, merchandise and effects, and to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case shall or may require, and every such contract, bargain, agreement and policy to be made by the said corporation, shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president and attested and signed by the secretary, or other officer who may be appointed by the president and directors for that purpose.

SECTION 9. That in case any assured named in any policy Assignment or contract of insurance made by said corporation, shall sell, of policies, convey or assign the subject insured, it shall be lawful for such assured to assign and to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy, or contract of insurance, and may bring and maintain a suit in his own name : *Provided*, Proviso. That before any loss happens, he shall obtain the consent of the insurer to such assignment, and have the same endorsed on, or annexed to such policy or contract of insurance, to be according to the aforesaid directions, for that purpose and not otherwise.

SECTION 10. That the president and directors shall, on the first Monday of October, in the year one thousand eight hundred and thirty-eight, and on the first Mondays in April and October of every year thereafter, declare and divide so much of the profits of said corporation as to them shall appear advisable ; and the dividend so declared shall be paid to the respective stockholders, agreeably to such rules as the president and directors shall make for the purpose, but the monies received as premiums upon risks, which remain undetermined, and are outstanding at the time of the declaring such dividend, shall not then be considered as part of the profits of the said corporation, or divided as such, and if any loss or losses shall happen whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital stock of said company, and if the president

and directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, the president, if he consents thereto, and such of the directors as shall consent thereto, shall, in their individual capacity, be accountable for, and pay over to the said corporation for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do, and the president and each director of the said corporation in office at the time of making such dividend hereby prohibited to be made, shall be deemed as consenting to such dividend, unless he or they shall at the time of making such dividend be absent from the board of directors, or if present, shall immediately enter his or their protest on the minutes of the board of directors, and also give notice thereof in two or more newspapers printed in the city of Lancaster.

Mode of transfer.

SECTION 11. That the shares of stock of said corporation shall be assignable and transferable, according to such rules and regulations, as the president and directors thereof shall for that purpose ordain and establish, and not otherwise :

Proviso.

Provided, That no person or persons shall hold or be owners of any of said stock who are not citizens of or resident in the United States, and if any transfer be made to any such person or persons the same shall be, to all intents and purposes, null and void.

Liability of stockholders.

SECTION 12. Each and every stockholder in the said corporation who shall not have paid the full amount on the shares of stock by him held, shall be liable in his individual capacity, for the balance unpaid by him on the said stock in payment of the debts of the said corporation, to be recovered in such manner as now is, or may hereafter in such cases be directed by law.

Power to repeal.

SECTION 13. That if at any time it shall appear to the legislature that the privileges hereby granted are injurious to the public welfare, the power to repeal this act shall not on any condition be denied or impaired, but such repeal shall not effect any engagements to which the said company may have become a party previously thereto, and the said company shall have a reasonable time to bring their accounts to a final settlement and termination :

Proviso.

Provided, That the said company shall be subject to such provisions and regulations as the legislature may at any time enact.

West Phila. Institute incorporated.

SECTION 14. That the persons who constitute the West Philadelphia Institute, or who shall hereafter be admitted as members of the same, shall, and are hereby declared to be a body politic and corporate, by the name and style of the West Philadelphia Institute, to have perpetual succession,

to plead and be impleaded, to sue and be sued in all courts of record or elsewhere, and be capable to take, hold and enjoy property, the clear yearly income of which shall not exceed one thousand dollars, to use a common seal, and to alter or renew the same at pleasure.

SECTION 15. The said corporation shall have sufficient power to make such rules and by-laws for the ordering of Powers. the affairs of the said corporation, as they may deem necessary and proper: *Provided*, That no rule or by-law, as *Proviso*. aforesaid, shall be valid if inconsistent with the constitution and laws of this state, or of the United States.

SECTION 16. The legislature reserves the right of altering, Right of repeal. repealing or revoking the privileges hereby granted.

SECTION 17. That the persons who constitute the Southwark Institute, or who shall hereafter be admitted as members of the same, shall, and are hereby declared to be a body politic and corporate, by the name and style of the Southwark Institute, to have perpetual succession, to plead and be impleaded, to sue and be sued in all courts of record or elsewhere, and be capable to take, hold and enjoy property, the clear yearly income of which shall not exceed three thousand dollars, to use a common seal, and to alter or re-Powers. new the same at pleasure, to make such by-laws and ordinances for the government of said Institute, as they may deem necessary and proper: *Provided*, That no rule, by-law or *Proviso*. ordinance as aforesaid, shall be valid, if inconsistent with the constitution and laws of this state and the United States.

SECTION 18. The legislature reserves the right of altering, Right to repeal. revoking or repealing the privileges hereby granted.

SECTION 19. That the members of the Associate Reformed church and congregation of Tarentum, in Allegheny county, Associate Reformed church of Tarentum in Allegheny county incorporated. be, and they are hereby created into one body politic and corporate, in deed and in law, by the name, style and title of the Associate Reformed church of Tarentum, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and the trustees of the said corporation shall be able and capable in law and equity to take and hold, to them and their successors, for the use of said church and congregation, lands, tenements, goods and chattels, of whatever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use

of the said church and congregation, and to erect any building for the purpose of worship, in such manner as may be directed by a majority of the congregation that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and shall indemnify and save harmless all persons who have become responsible for debts incurred on account of the erection or incidental expenses of maintaining said church, and be liable to make good to such persons all monies actually expended by them on account of said church as aforesaid, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof: *Provided*, That the clear yearly value or income of said estate shall not for any time exceed two thousand dollars: *And provided also*, That the seal of the corporation shall not be affixed to any conveyance of its real estate, unless such sale or transfer be approved of at a meeting of the congregation, held after two weeks notice of the same shall have been given as aforesaid, and upon two-thirds of the members present at such meeting approving of the sale and conveyance as aforesaid, the said trustees shall affix the corporate seal of said church to a conveyance of the said real estate, and the same shall be valid in law.

Proviso.

2d Proviso.

Trustees.

Annual election.

Vacancies.

Powers.

SECTION 20. The trustees of said church and congregation shall be five in number, and until others shall be elected shall consist of the following named persons, viz: James E. Karns, James Robertson, James Miller, James Dickey and Francis Karns, to continue in office until the first Monday in April, eighteen hundred and thirty-nine, and the same day annually thereafter, the members of said congregation may, at any general meeting thereof, elect by ballot, five persons to serve as trustees for the ensuing year; if vacancies by death or otherwise shall happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies, of the person or persons through whom such vacancy happens, to serve until the next annual election.

SECTION 21. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and if said congregation neglect, on the day of the annual meeting to hold their election, the corporation shall not be dissolved, but a majority of the trustees

may appoint any subsequent time on which the election may be held, provided that notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election: *And provided also*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States. Proviso.

SECTION 22. That the trustees of the Associate Reformed Presbyterian congregation of Erie, in the county of Erie, shall be, and are hereby created into one body politic, by the name of the Associate Reformed Presbyterian congregation of Erie, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold, to them and their successors, for the use of said congregation, lands and tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain or sell, or dispose of for the use of said congregation, and to erect any building for the purpose of worship, and to enlarge the same as may be directed by a majority of the congregation that may be present, at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way the majority of the trustees may direct, and to finish and complete any building as aforesaid, that may have been commenced, or for the erection of which any contract or contracts may have been made, and generally to do all and singular the matters and things which may be lawful for them to do for the well being and management of the affairs thereof: *Provided*, The clear yearly value or income of said estates shall not for any time exceed three thousand dollars. Associate Reformed Presbyterian congregation of Erie incorporated. Proviso.

SECTION 23. The trustees of said congregation shall be six in number, and until others shall be appointed shall consist of the following named persons, viz: David Kennedy, Robert Kendal, John K. Caldwell, John Cosper, Oliver Dunn, and James Dumars, to continue in office until the second Monday in June, one thousand eight hundred and thirty-eight, and on the same day, annually thereafter, the members of said congregation may, at any general meeting thereof, elect by ballot, five persons to serve as trustees for the ensuing year; if vacancies by death or otherwise shall Trustees, Annual elections. Vacancies.

happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancies until the next general meeting of the congregation, at which meeting the congregation may elect another trustee or trustees to fill the vacancies of person or persons through whom such vacancies happen, to serve until the next annual election.

Powers. SECTION 24. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure; if the congregation neglect on the day of annual meeting to hold their election, the congregation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election may be held: *Provided*, That notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election: *And provided also*, That the said by-laws and ordinances shall not be inconsistent with the constitution of this State or of the United States.

Proviso.

2d Proviso.

Methodist congregation in Towanda, SECTION 25. That the Methodist congregation in the borough of Towanda, in the county of Bradford and state of Pennsylvania, be, and the same is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of the Trustees of the Methodist Episcopal Church in the borough of Towanda, and by the same name shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and to hold, to them and their successors, for the use of the said church, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which now is or shall hereafter become the property of the said congregation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said church: *Provided*, That the yearly value or income of the said estates shall not at any one time exceed two thousand dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Proviso.

Trustees & other officers SECTION 26. That the business of the said congregation shall be conducted by nine trustees, who shall choose from their number a president and secretary, and may appoint a treasurer and any other officers they may deem necessary and

until others shall be appointed as hereinafter prescribed, the following named persons shall be the trustees, viz: William Watkins, E. R. Utter, William Elwell, John E. Geiger, Nelson P. Brown, James P. Bull, Silas Noble, Berton Kingsbery, and George H. Bull, to continue in office until the first Monday in January, one thousand eight hundred and thirty-nine, on which day the members of the said congregation shall elect nine persons to serve as trustees in manner hereinafter directed, three of whom shall serve three years, three two years, and three one year, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied by the annual election, on the first Monday of January, of three persons to serve for three years: *Provided*, That in case of vacancy by death or otherwise, the remaining trustees shall appoint a person to supply the same until the next election, when the vacancy shall be supplied by election, and all elections which shall be held by said corporation shall be conducted by three inspectors, who shall be chosen by the electors present at the time and place of election, and any person contributing yearly to the support of said church, shall be entitled to vote at the elections of said incorporation.

Term of service.

Annual election.

Proviso.

SECTION 27. That the said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure, to change the time and place of holding their annual election as the same may be found convenient, and if the congregation neglect, on the day of the annual meeting to hold their election, the trustees may appoint any subsequent time on which the election shall be held: *Provided*, That notice of such time and place shall be publicly given on the Lord's day, immediately after divine service, at least one week before the time of holding such election: *And provided also*, That the said by-laws and ordinances be framed, enacted and promulgated, and all the acts of said incorporation be in conformity with the rules and principles of the general Methodist Episcopal Church of the United States, existing and established at the time of the enactment thereof, and not inconsistent with the constitution or laws of this state or of the United States, and the legislature reserve the right to repeal, alter or amend this act or any part thereof, at any time hereafter.

Powers.

Seal.

Time of election may be changed.
Proviso.

2d Proviso.

Right to repeal.

SECTION 28. That the Methodist congregation in the township of Monroe, in Bradford county, and state of Pennsylvania, be, and the same is hereby erected into a body

Methodist congregatiⁿ politic and corporate, in deed and in law, by the name, style and title of the Trustees of the Methodist Episcopal Church, in Monroe, and by the same name shall have perpetual succession, and shall have all the powers, privileges, rights and immunities granted to and be subject to all the restrictions imposed by this act upon the trustees of the Methodist Episcopal Church in the borough of Towanda, and until others shall be elected agreeable to the provisions of this act, the following named persons shall be trustees, viz: Burr Ridgway, Elisha Cole, James C. Ridgway, Sylvester W. Alden, Ashbel L. Cranmer, Enoch Cranmer, William Goff and Nicholas Wenck.

Trustees.

Presbyterian church and congregatiⁿ in Mercer county, incorporated.

SECTION 29. That the members of the Presbyterian Church and congregation of the borough of Mercer, in the county of Mercer, shall be, and they are hereby created into one body politic and corporate, in deed and in law, by the name style and title of the Presbyterian Church of Mercer, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and the trustees of the said corporation shall be able and capable in law and equity to take and hold to them and their successors, for the use of said church and congregation, lands, tenements, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of for the use of the said church and congregation, and to erect any building for the purpose of worship in such manner as may be directed by a majority of the congregation that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and shall indemnify and save harmless all persons who have become responsible for debts incurred on account of the erection or incidental expenses of maintaining said church, and be liable to make good to such persons all monies actually expended by them on account of said church as aforesaid, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof: *Provided*, That the clear yearly value or income of said estates shall not for any time exceed two thousand dollars: *And provided also*, That the seal of the corporation shall not be affixed to any conveyance of its real

Proviso.

2d Proviso.

estate, unless such sale or transfer be approved of at a meeting of the congregation held after two weeks notice of the same shall have been given as aforesaid, and upon two thirds of the members present at such meeting approving of the sale and conveyance as aforesaid the said trustees shall affix the corporate seal of said church to a conveyance of the said real estate, and the same shall be valid in law.

SECTION 30. The trustees of said church and congregation Trustees. shall be five in number, and until others shall be elected shall consist of the following named persons, viz: William Smith, E. W. Glozen, James Kilgore, James K. Caldwell and James D. Moore, to continue in office until the first Monday in April, eighteen hundred and thirty-nine, and the same day Annual elec-
tion. annually thereafter, the members of said congregation may, at any general meeting thereof, elect by ballot five persons to serve as trustees for the ensuing year; if vacancies by Vacancies. death or otherwise shall happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies of the person or persons through whom such vacancy happens, to serve until the next annual election.

SECTION 31. The said trustees and their successors shall have full power to enact and enforce such by-laws and Powers. ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter Seal. and renew at their pleasure, and if said congregation neglect on the day of the annual meeting to hold their election, Neglect to
hold election
not to dis-
solve the
corporation. the corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election may be held, provided that notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election; *And provided also,* That the Proviso. said by-laws and ordinances shall not be inconsistent with the constitution and laws of this State or of the United States.

SECTION 32. That Horace Rathvon, Jacob Brenneman, H. B. Egle, Frederick Beidlinger, George Ferree, C. M. Marshall Be-
nificial As-
sociation of
Lancaster
county, in-
corporated. Brown, Jacob Gilman, Daniel M. Lain, John Bombaugh, John S. Pedon, Jacob Bletz, G. A. Haines, George Shreiner, Christian Bucher, Jacob Pentz, Joseph Bucher, Thomas J. Haines, James Poist, William Morton, Samuel Pence, John Gibb, John Kings, Christian Lentz, F. S. Albright, and their successors, and all such other persons being citizens of the commonwealth of Pennsylvania, as shall hereafter be admitted or become members of the association, are hereby incorporated and made a body politic, in law and in deed,

Proviso.

by the name, style and title of the "Marshall Beneficial Association of Lancaster county," and by the same name they and their successors shall forever hereafter be able and capable in law, to have, hold, receive and enjoy, lands, tenements, rents, franchises, gifts and bequests of what nature soever, in fee simple or for term of life, years and otherwise, and also to give, grant, let, sell, alien or assign the same according to the nature of the respective gifts, grants or bequests made to them the said association, and of their estates therein, to be employed and disposed of according to the objects, articles and conditions hereafter to be adopted by the association hereby incorporated : *Provided*, That the amount of the clear yearly value or income of such real estate, and the interest of money by them lent, do not exceed the sum of fifteen hundred dollars.

Corporate powers.

SECTION 33. That the said association shall be forever hereafter able and capable in law to sue and be sued, plead and be impleaded in all law causes and things, and to obtain and sustain all legal judgments, executions and decrees incidental to the same, and enjoy all such privileges, rights, powers and franchises as other corporations of the like kind in this commonwealth enjoy.

Seal

SECTION 34. That the said association shall have power to use a common seal, and the same to change, alter or amend at pleasure.

Organization

SECTION 35. For the well governing of the said association, and ordering and managing their affairs, they shall choose from among themselves, in such manner as shall be determined upon in their fundamental articles and regulations, a president, vice president, treasurer and door keeper, and such other officers and committees as they may deem necessary or useful, and shall have power and authority to order stated and special meetings of the said association, to do and transact all business and matters appertaining thereto, agreeably to such rules, ordinances, regulations and by-laws as a majority of the association shall judge necessary or convenient, and shall from time to time establish and make, and put into execution such by-laws, rules and regulations as may be passed from time to time by the association aforesaid, or the same to revoke, annul, alter or amend at pleasure : *Provided*, That the said rules, regulations, ordinances and by-laws relate only to the charitable purposes before mentioned, and be not repugnant to the constitution and laws of the United States or of the commonwealth of Pennsylvania, nor repugnant to any of the provisions of this act.

Proviso.

SECTION 36. All and singular the estate whatsoever now ^{Property} belonging to the said association, and held by any person vested in the whatsoever for the use of said association, shall be, and the association. same is hereby transferred and vested in the said association, and their successors, for the purpose before mentioned: *Provided always*, That the clear yearly value or income of ^{Proviso.} the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the corporation, and the interest and money lent, shall not exceed fifteen hundred dollars as aforesaid.

SECTION 37. That the society known by the name of the Baptist Church of Reading, Pennsylvania, in the county of ^{Baptist Ch'h of Reading, Penn'a in-} Berks, is hereby erected into one body politic and corporate, ^{corporated.} in deed and in law, by the name, style and title of the Baptist Church of Reading, Pennsylvania, and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattels of whatever kind, nature and quality, real, personal or mixed, which is now or hereafter shall become the property of the said congregation by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest, or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of; and the yearly value or income of the real and personal estate of said corporation, shall not at any time exceed two thousand dollars, nor shall more than one hundred and fifty acres of land be at any time held or enjoyed by said association, incorporated by this act, nor shall it be lawful for said corporation to appropriate any of its surplus funds to any other than a charitable or religious purpose.

SECTION 38. That the affairs of said corporation shall be ^{Trustees & other officers} managed and superintended by five trustees, three of whom shall be a quorum to transact business, to be chosen from the ^{Quorum.} members of said congregation, who shall choose, by ballot, from among their number a president and secretary, and shall also choose a treasurer from among the members of the ^{Treasurer.} congregation who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him, and shall account to such trustees for all sums of money received by him, or remaining in his hands at any time, and in case of the removal of the president, or any of the trustees, by death, resignation or otherwise, the vacancy or vacancies shall be supplied by the ^{Vacancies.} board of trustees till the next annual election, and the following named persons shall be trustees until others shall be

Annual elec- tion. Proviso. Manner of conducting elections.

electd in the manner hereafter prescribed, viz : Henry Rankin, Christian Swartz, Adam Johnson, Nathaniel Kerby and Samuel Hill, to continue in office until the first Saturday in May, one thousand eight hundred and thirty-nine, on which day the members of said congregation shall elect five trustees to continue in office for one year, or until others shall be elected to fill their places, and the annual election of trustees shall be on the first Saturday in May, in each year: *Provided always*, That the same trustees or any of them may be re-elected.

SECTION 39. That all elections to be held in pursuance of this act, shall be conducted by three members of the corporation, who shall be appointed inspectors at the same place where the trustees are to be elected as aforesaid, by the electors then assembled in such manner as may be agreed on by said electors, and the inspectors so chosen shall appoint one or more persons as their clerk or clerks, to perform such duties as the nature of the case may require, and any person not a member of said corporation contributing yearly a sum not less than two dollars to the support of the church, shall be entitled to vote at the elections of said corporation, and shall be eligible as a trustee, and when each election so had as aforesaid shall be closed, and the number of votes for each person shall be ascertained, the inspectors of said election, or a majority of them, shall thereupon make out under their respective hands, a return thereof, with the names of the trustees elect, and shall deliver the said return to the secretary of the corporation, who shall within three days thereafter give notice in writing to each of the trustees elect of their respective elections.

Notice.

SECTION 40. That any person who shall hereafter be a member of said congregation, shall be entitled to all the privileges, and subject to the same regulations as other members, and every member shall be at liberty, at any time, to withdraw from said corporation.

Privileges of members.

SECTION 41. That the said corporation shall have a right to make and use a common seal, with such device and inscription as to them shall seem meet, and to alter and revise the same at pleasure.

Seal.

SECTION 42. That the said trustees, and their successors, shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the said corporation, to establish and change the time and place of the annual election of trustees from time to time as the same may be found convenient, or if said congregation neglect to elect on the day of the annual meeting, may appoint any subsequent

Powers.

Time and place of holding annual election may be changed.

time on which said election may be held: *Provided*, That public notice shall be given on the Lord's day, immediately before or after divine service, and in such other manner as a majority of the trustees may direct, at least one week previous of the time and place of holding such elections: *And provided also*, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States, and that the same be approved of by a majority of the members of the congregation, qualified as aforesaid, to vote at any special meeting called by the trustees for that purpose, on notice given as aforesaid, and the by-laws and ordinances of the said corporation shall be fairly entered and registered by the secretary, which book and other records of the corporation shall be open to the inspection of any member of the corporation, at all reasonable hours, on application to the secretary, and in case an election of trustees shall not be held at the time or times appointed, the corporation shall not thereby be dissolved; and the more-over, the legislature reserve the right to repeal, alter or amend this act or any part thereof, at any time hereafter.

Proviso.

2d. Proviso.

Notice.

Neglect to hold election not to dissolve the corporation. Right to repeal.

SECTION 43. That there shall be, and hereby is established in the town of Port Carbon, in the county of Schuylkill, an institution for the promotion and advancement of arts, sciences and literature, by the name, style and title of "The Port Carbon Lyceum," under the care, direction and government of the trustees, viz: Robert M'Cartee, Lebeus Whitney, Lebbeus Chapman, William Bosbyshell, Joseph F. Carrol, Henry Porter, Jesse Turner, E. Swaine, Aquilla Botton, John G. Hews, Joseph S. Ruckel, Charles A. Whitney, Edward Hughes, Samuel Heilner, Charles Baber, Doct. William Housel, D. B. M'Cartee, Ross Bull, Abraham Pott, D. B. Haas, Henry Barnes, Henry Schisler, Winfield S. Chapman, Tobias H. Winterstein, Joseph Robinson, Benjamin Haywood, Edwin Stratton, Geo. M. Chapman, Emanuel Bracewell, William L. Whitney, Edwd. C. Bosbyshell and John Pott, which said trustees and their successors shall be, and are hereby declared to be a body corporate and politic, by the name and style of the "Port Carbon Lyceum," and by the same name shall have perpetual succession, and shall be able to sue and to be sued, plead and to be impleaded in all courts of record and elsewhere, and shall be competent and capable in law and equity, to take and to hold to them and their successors, for the use of the said Lyceum, lands, tenements, hereditaments, goods and chattels of what kind, nature and quality whatsoever, real, personal or mixed, by gift or grant, bargain, sale, conveyance, insurance, will, device or bequest, from any person or persons whomsoever capable of making the same, and the same

Port Carbon Lyceum established.

Trustees.

Incorporated

from time to time to grant, bargain, sell, demise, alien, dispose of for the use of said Lyceum, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said Lyceum, and the due management and ordering the affairs thereof: *Provided*, That the yearly value or income of the said real or personal estate shall not at any time exceed the sum of five thousand dollars.

SECTION 44. That the said trustees shall hold their meeting in the hall of the Lyceum, in the town of Port Carbon, on the first Monday of December next after the passing of this act, any nine of them shall constitute a quorum to transact any of the business of the said Lyceum, particularly in making and enacting ordinances and by-laws for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, of electing and appointing officers for the said Lyceum, such as presidents, secretaries, treasurers, librarians and editorial committees, for taking care of the funds and managing the concerns of the Lyceum, and determining all matters and things necessary to be determined and transacted by the said trustees: *Provided always*, That no ordinance or by-laws shall have any force which shall be contrary to the constitution or laws of this commonwealth or of the United States.

SECTION 45. All ordinances, by-laws and proceedings of the corporation shall be fairly and regularly entered into a book, to be kept for that purpose, and no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the same: *Provided*, The intention of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any non-user of the rights, liberties, privileges, jurisdiction and authority hereby granted to the said corporation create, or in any wise cause forfeiture thereof.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 87.

Supplement

To an act entitled "An act to incorporate the Dauphin and Susquehanna Coal company," passed April the fifth, eighteen hundred and twenty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Dauphin and Susquehanna Coal company, shall be and it hereby is continued and extended twenty years from the passage of this act, and the capital stock of the said company may be increased so as to consist of ten thousand shares, of fifty dollars each, and no more, with full power and authority to make and construct a railroad or canal along Stony Creek, on the lands of the said company, and for that purpose to borrow such sums of money as may be required, not exceeding in the whole two hundred thousand dollars and to convert the same into capital stock of the said corporation: *Provided,* That any stockholder of the said company shall be eligible as a director thereof, and that any thing in the original act which is now altered or supplied, is hereby repealed: *And provided further,* That whenever the dividends of the said company shall exceed six per cent. per annum, they shall pay a tax of eight per cent. on all such dividends into the treasury of the state for purposes of education.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED.—The sixteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 88.

An Act

To incorporate the Tamanend Mining company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

Corporators.	<p><i>General Assembly met, and it is hereby enacted by the authority of the same,</i> That Charles Barrington, Archibald Robertson, John R. Walker, Benjamin E. Carpenter, Job R. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCermick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, Joseph Morgan, Christopher Lauer, John Schall, James Taggart, Jacob Zimmerman, Benjamin Heilner, Jacob Faust, Alexander M. Peltz, Benjamin Duncan, Samuel Jarden, Wm. Amies, Joseph Burden, Richard Peltz, William J. Crans, Robert P. Desilver, Peter Fritz, Alexander Woelpper, Bartholomew Graves, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of the Tamanend</p>
Name, style and title.	Mining company, for the purpose of mining coal, and for the transacting the usual business of companies engaged in
Powers.	the mining, transporting to market and selling of coal, and the other products of coal mines; and the said corporation by the said name, is hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute for the well being of said company, whatever shall lawfully pertain to such bodies politic: <i>Provided,</i>
Proviso.	That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: <i>And provided also,</i> That each stockholder shall be liable, in his individual capacity, for the debts and performance of all contracts entered into by the said company to the amount of the balance unpaid on the stock of said stockholder.
2d Proviso.	
Company may hold 2,000 acres of land.	<p>SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land, at any one time, the whole to be within Union and Rush townships, east of the state road leading from Orwigsburg to Bitle's, in the county of Schuylkill, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of, as the interest of the company may require: <i>Provided,</i> That the said company may hold, as above, such lot or lots of land, not exceeding five acres in any one place, as may be found convenient as places of deposite in the transportation and sale of the products of their mines.</p>
Proviso.	

SECTION 3. The capital stock of said company shall be and Capital consist of two hundred and fifty thousand dollars, and shall be stock. divided into five thousand shares of fifty dollars each, which capital stock shall only be employed in the holding and pur- How to be chasing the lands aforesaid, with the improvements, if any, employed. thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid, of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

SECTION 4. When the above named Charles Barrington, Archibald Robertson, John R. Walker, Benjamin E. Carpenter, Job E. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCormick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, and their associates shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital, aforesaid, in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor, on due evidence thereof, shall, by letters patent under his hand and the seal of the state, create Letters pa- and erect the said Charles Barrington, Archibald Robertson, tent. John R. Walker, Benjamin E. Carpenter, Job R. Tyson, Truman M. Hubbell, Samuel B. Fisher, James McCormick, George Read, George P. Little, John Ely, jr., Josiah Randall, William Drysdale, Daniel McIntyre, Joseph Morgan, Christopher Leaser, John Schall, James Taggart, Jacob Zimmerman, Benjamin Heilner, Jacob Faust, Alexander M. Peltz, Benjamin Duncan, Robert P. Desilver, Samuel Jarden, Peter Fritz, Adam Woelpper, Wm. Amies, Bartholomew, Graves, Joseph Burden, Richard Peltz, Wm. J. Crans, and their associates, successors and assigns, into one body corporate, by the name, style and title of the Tamamend Mining company.

SECTION 5. The affairs of the said company shall be Organiza- managed by seven directors, to be chosen annually from the tion. stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent, aforesaid, shall have been issued, of which election public notice shall be given by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the city of Philadelphia, and the subsequent elections shall be held, annually, Annual elec- at such convenient time and place as the directors shall tion.

Proviso.

determine, of which thirty days previous notice shall, in like manner, be given by the president of said company, or by any five of the directors : *Provided*, That in the event of a failure to hold such election the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Ratio of votes.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say : for each share and not exceeding four shares, one vote ; for every two shares above four and not exceeding ten, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; for every twenty shares above one hundred, one vote ; no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator trustee or guardian, or in the right or for the use and benefit of some co-partnership, society or corporation of which he or she may be a member ; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled An act to regulate proxies.

Powers.

President & other officers

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year ; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election ; at all meetings of the board four directors shall form a quorum to transact business.

Vacancies.

Quorum.

Penalty for neglecting to pay instalments.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof in at least two newspapers printed in the county of Schuylkill, and two daily newspapers printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed, and if any instalment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment ; and if the same and additional penalty shall remain

unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such prices as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same together with the penalty aforesaid : *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Forfeiture.

Proviso.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired ; and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided ; and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend : *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends, into the treasury of the state, for the purposes of education, and the president or secretary of said company, shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.

Dividends.

Proviso.

SECTION 10. It shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them, or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary, for the construction and completion of a railroad or railroads, or any

Mode of as-
certaining
and paying
damages.

part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth or gravel, or for the felling of timber, for the construction and completion of the said road or roads, until the rate of compensation for injury sustained, or to be sustained, by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured, in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained in the following manner, by six suitable and disinterested persons, to be by them chosen, to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointments within twenty days after requisition be made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint six disinterested persons of said county to view, examine and estimate the injuries or damage, if any, in their opinion may be sustained by reason of said railroad or railroads, and report the same, under their oaths or affirmations, to the said court, within ten days thereafter, which report, if confirmed by said court, judgment shall be entered thereon, and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company; and it shall be the duty of the said viewers and appraisers to take into consideration, in estimating such injury or damages, the advantages to be derived by said owner or owners of said lands by means of said railroad or railroads: *Provided*, That either party may appeal to the court of Common Pleas of the proper county, within thirty days thereafter, in the same manner as appeals are made in other cases.

Proviso.

Service of
legal process.

SECTION 11. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Power to
construct
railroads.

SECTION 12. The company hereby incorporated shall have power to construct railroads, with one or more tracks, from any point or points on their lands, to intersect the Little

Schuykill and Susquehanna railroad, at such places as they may deem most convenient, or any other railroad leading to the public improvements : *Provided*, That the said company shall not prevent any person or persons, company or companies, hereafter incorporated, being the owner or owners of land bordering on the said railroad or railroads, or adjacent thereto, from making lateral railroads and to connect them with said railroad or railroads from their said lands, as the said person or persons, company or companies may conceive necessary, for the purpose of transporting their coal or produce upon said railroad or railroads, subject to the payment of the following rates of toll, that is to say : on each ton of produce, coal, or other minerals, or any other goods, wares, merchandise or commodities of any kind whatsoever, not exceeding two and one half cents per ton per mile ; on each horse, not employed in drawing a carriage or car on which toll is charged, one cent per mile ; on each horse and its rider not exceeding one cent per mile ; on every person drawn in a car or carriage, other than the rider, not exceeding one cent per mile ; and all fractions not less than half a ton to be considered as a ton, and if less than half a ton to be rated at half a ton, and all fractions of half a mile in distance to be rated at half a mile ; and besides the tolls to be so charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road or roads, for the time being, as a compensation for weighing and booking all coal or other minerals which may pass over said road or roads, the further sum of not exceeding one cent per ton on the said coal or other minerals, transported on said road or roads, in consideration of which he shall, at all reasonable times when so requested, exhibit to any person or persons interested therein, the account of the said coal or other minerals so transported as aforesaid, and deliver to him or them a certified copy thereof without any other fee or reward, and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines, and that the turn-outs for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open for the uninterrupted passage of the cars of every person desiring to travel thereon.

Proviso.

Tolls.

Empty coal cars.

Continuance
of act.

SECTION 13. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and fifty eight : *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, whenever in their opinion the public good requires the same, upon failure of the corporators to comply with any or every part of this act.

LEWIS DEWART,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 89.

An Act

To authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes.

Committee
authorized
to convey
certain real
estate of Mi-
chael Fox,
on ground
rent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John R. Vogdes, committee of the estate of Michael Fox, or his successors in that office, be, and he or they are authorized and empowered to convey and assure on ground rent, the following real estate of the said Michael Fox, to wit : all that certain lot or piece of ground, situate on the east side of Broad street, at the distance of two hundred and forty-three feet northward from the north side of Race street, in the city of Philadelphia, containing in front or breadth on the said Broad street twenty feet, and extending of that breadth in length or depth eastward one hundred feet to a thirty feet wide court called Lybrand street, leading northward from the said Race street ; also all that certain lot or piece of ground, situate on the east side of Lybrand street, at the distance of two hundred and thirteen feet six inches northward from the north side of Race street, in the said city, containing in front or breadth on the said Lybrand street thirty-three feet, and extending of that breadth in length or depth eastward six

feet ; also all that certain lot or piece of ground, situate on the east side of Delaware Twelfth street, at the distance of two hundred and forty-eight feet southward from the south side of Vine street, in the said city, containing in front or breadth on the said Twelfth street thirty-six feet, and extending of that breadth in length or depth eastward ninety-three feet to a twenty feet wide court leading northward from Sheaff's alley ; and also to make good and sufficient ground rent, deed or deeds of conveyance therefor, and to execute deeds of extinguishment of any or all such rent charges to the purchaser or purchasers thereof, their heirs and assigns, in fee simple, upon the payment of the principal sum of the ground rents respectively: *Provided*, That before the execution and acknowledgement of any such deed or deeds, the same shall be approved by the court of Common Pleas for the city and county of Philadelphia: *And provided also*, The said committee, before any such conveyance shall be valid, shall give bond in such sum, and with such security as may be approved by said court, conditioned for the faithful and proper application of all monies that come into their hands, in pursuance of conveyances made under authority of this law.

Proviso.

2d Proviso.

SECTION 2. That Joseph Wilson, guardian of the estates of William, Martha, Jane, James, Ellen and Rachael Wilson, minor children of said Joseph Wilson and Jane his wife, late Jane Fullerton, and James Walker and Sarah his wife, late Sarah Wilson, who is also a minor, be, and they are hereby authorized and empowered to sell at public or private sale, all the right, title and interest whatever, in possession or remainder of the said minor children, of whom said Joseph Wilson is guardian, and of her the said Sarah Walker, late Sarah Wilson, in and to a certain tract or piece of land, situated in the township of Hanover, in the county of Washington, containing seventy acres more or less, (it being the same piece of land of which Henry Fullerton, now deceased, and who was the grandfather of said minor children, died seized,) and to make, execute, and deliver a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof: *Provided*, The proceeds of any such sale, made in pursuance of this act, shall be vested in other real estate, which shall be subject to the same conditions, limitations, trusts and uses in all respects, that the land hereby directed to be sold is subject to, under the provisions of the last will and testament of said Henry Fullerton deceased: *And provided further*, That before any such sale shall be valid, the said guardian shall give bond, with such security and in such sum as the Orphans' Court in and for said county shall

Guardians of the minor children of Jos. Wilson, authorized to sell certain real estate.

Proviso.

2d Proviso.

direct, conditioned for the performance of his trust aforesaid, with fidelity, and that the acknowledgment of the deed hereby authorized to be executed by said James Walker and Sarah his wife, shall be made by her the said Sarah, according to the provisions of the act entitled "An act for the better confirmation of estates of persons holding or claiming under femes covert, and for establishing a mode by which husband and wife may hereafter convey their estates, passed twenty-fourth February, one thousand seven hundred and seventy, and its supplements, with the same force and effect as though she, the said Sarah, was at the time of full age.

Trustee of E. F. Cochran, authorized to sell certain real estate.

SECTION 3. That Thomas E. Cochran, trustee of Eliza F. Cochran, the wife of Dr. Richard E. Cochran, be, and he is hereby authorized and empowered to sell, either publicly or privately, for such price as he may deem best, all that house and lot, with its appurtenances, which Thomas Griffith and Christiana his wife, by their deed of indenture, dated the tenth day of June eighteen hundred and twenty-five, for the consideration therein mentioned, did grant and convey to Arnold Naudain, to hold to him, his heirs and assigns, in trust for the sole and separate use of the above named Eliza F. Cochran and her children, and their heirs and assigns as tenants in common, according to the provisions and limitation in the said deed expressed, and the said house and lot, with its appurtenances, to grant and convey to the purchaser or purchasers thereof, clear and discharged from any trust whatsoever in favor of the said Eliza F. Cochran, and her children and their heirs.

Trustee enjoined to pay a certain debt of 800 dollars.

SECTION 4. It shall be lawful for the said Thomas E. Cochran, trustee as aforesaid, and he is hereby enjoined, out of the proceeds of the said sale, to pay and discharge a certain debt of eight hundred dollars, with any interest there may be upon it due and owing on account of the purchase of the said house and lot, and then to invest the balance of the proceeds of sale in the public debt of this commonwealth, or in the stock of some one of its banks, in his name as trustee, but for the sole and separate use of the said Eliza F. Cochran and her children, according to the provisions and limitations of a certain deed of indenture, made on the day of April, eighteen hundred and twenty-five, between Richard E. Cochran and Eliza F. Cochran, his wife, of the one part, and Arnold Naudain of the other part.

Powers granted to T. E. Cochran, may be exercised by a successor.

SECTION 5. All the powers hereby granted to the said Thomas E. Cochran may be exercised and performed, in case of his death, resignation or removal from the aforesaid trust, by any successor to be appointed by the District Court for the city and county of Lancaster, according to the

provisions of the act of assembly in such cases made and provided.

SECTION 6. That all the right, title and interest of the common'th in and to the estate, real and personal, late in estate of Julianna Cook, late of Adams county deceased, be, and J. Cook vested in Eliza Walker, and her heirs forever.

SECTION 7. That the administrator de bonis non of Benjamin Jacobs, deceased, late of Montgomery county, be, and he is hereby authorized to convey such real estate as has been heretofore sold, and sell and convey such as is not sold of the estate of the said Benjamin Jacobs, deceased, in certain real whatsoever county the same may be found in this common-estate. wealth, the sale or sales to be approved of by the court of the county wherein such sale or sales are made.

SECTION 8. That William McFarland, the trustee named in a Trustee of Lewis Eppelsheimer authorized to sell certain real estate. certain indenture, dated the twenty-fourth day of May, eighteen hundred and thirty-four, between Lewis Eppelsheimer of the one part, and the said trustee of the other part, be and he is hereby authorized to sell and convey in fee simple, and free from all trusts, all that certain three story brick messuage and lot of ground, situate at the north west corner of Delaware sixth and Wood streets, in Penn township, in the county of Philadelphia, containing in front, on said sixth street, seventeen feet, and in length or depth, sixty-four feet, with the appurtenances, which indenture is recorded in the office for recording deeds, &c., for the city and county of Philadelphia, in deed book A. M., number forty-seven, page seven hundred and eighteen; and to apply the proceeds thereof to the payment of any mortgage or incumbrances existing on other real estate of the said Lewis Eppelsheimer and wife, and the balance, if any, to the purposes mentioned in the said deed of trust.

SECTION 9. That Peter Shell and Abraham Shell be, and they are hereby authorized and empowered to sell, either by public or private sale, for such price as they may deem best, all that certain real estate, being a certain house and lot situate in the town of Schellsburg, in the county of Bedford, together with all and singular the privileges, hereditaments and appurtenances thereunto belonging, which Jacob Shell, deceased, late of said county, devised by his last will and testament to Maria Shell his wife as long as she liveth, and the said house and lot with its appurtenances, to grant and convey to the purchaser or purchasers thereof, clear and discharged from any grant or devise to the said Maria his wife.

SECTION 10. All the powers hereby granted to the said

The powers granted to the Ex'rs may be exercised by a successor.

Peter Shell and Abraham Shell, may be exercised and performed by, in case of their death, resignation or removal, by any successor, to be appointed by the Orphans' Court of the county of Bedford, according to the provisions of the act of assembly, in such case made and provided.

Ex'rs or their successors to give security

SECTION 11. The said executors, or their successors shall give security before entering upon the duties enjoined by this act, for the faithful application of the proceeds of the sale of said estate, to be approved by the Orphans' Court of the proper county.

Trustees of the Methodist E. C. at Harrisburg, McClaysburg & vicinity authorized to sell certain real estate.

SECTION 12. That the trustees of the Methodist Episcopal Church of Harrisburg, McClaysburg and vicinity, be and they are hereby authorized to sell and convey in fee simple their present house of worship, and the lot on which the same is erected, (being the same lot conveyed by John Wormley, Esquire, and Mary his wife, to John Funk, John Bond and others, and their successors in office, by deed bearing date the thirtieth day of May, in the year of our Lord one thousand eight hundred and twenty,) and to apply the avails arising therefrom to finishing the new house erecting for said congregation on Locust street, in Harrisburg : *Provided*, That the sale and conveyance hereby authorized, shall give to the purchaser as good, but no better or greater title to said premises, than the same would be if the said conveyance by John Wormley, Esquire, and Mary his wife, had been made to the said John Funk, John Bond and others, and their heirs, in trust for the uses and purposes therein expressed, and if the conveyance hereby authorized were made by the trustees named in the deed aforesaid.

Proviso.

Trustees of the Union School in Middle Paxton t'p Dauphin co. authorized to sell the school house.

SECTION 13. That William Cochran and Peter Fertig, surviving trustees of the "Union School," in Middle Paxton township, in the county of Dauphin, be and they are hereby authorized to sell said school house and lot of ground, and to execute and deliver to the purchaser for the same, a good and perfect title, for the purpose of distributing the proceeds of said property amongst those who advanced their monies for the original purchase, the same having become useless and not wanted for school purposes any longer.

Guardian of Elsa M. Moger authorized to sell certain real estate.

SECTION 14. That William Myer, of Bradford county, guardian of Elsa M. Moger, be and he is hereby authorized to sell the real estate of the said Elsa, and to invest the proceeds of such sale in other real estate for the benefit of the said Elsa : *Provided*, That the said William Myer shall give such security for the faithful execution of the trust as shall be directed by the Orphans' Court of said county, and that such sale shall not be valid without confirmation by said court.

SECTION 15. That James Estep, guardian of Robert Nic-Guardian of
 coll, one of the minor children of John Niccoll, Esq., de-Robert Nic-
 ceased, and John Niccoll and Nathaniel Hurst, sen., be and coll author-
 they are hereby authorized to sell and convey the following ized to sell
 lots in the village of Robbstown, in the county of Westmore-certain res-
 land, numbered in the plan of said town, forty, forty-one, estate.
 forty-two, forty-three and forty-four, and to make titles
 therefor to the purchasers, which titles so made shall convey
 all the right, title, interest of claim of said minor as though
 he had himself been of full age and acted on his own behalf:
Provided, That before any such title be made on the sale, Proviso.
 they shall obtain a confirmation of such sale by the Orphans'
 Court of Westmoreland county.

SECTION 16. That John Knauss, Esq., Jacob Keiper and Trustees of
 Charles Colver, the present trustees of the Permanent Hanover the Perm't.
 School House company, are hereby authorized to sell at public Han. School
 or private sale, a certain lot and school house, situated in the House Co.
 township of Hanover, in the county of Lehigh, to be sold for authorized to
 the benefit of said company, and when so sold to make a good sell lot and
 and sufficient deed or deeds for the same to the purchaser school house.
 or purchasers thereof.

SECTION 17. That Francis R. Shunk, William Boyd and Adm'rs of
 Thomas R. Trimble, administrators, &c. of James Trimble, James Trim-
 late of Dauphin county deceased, and the survivor or survi-ble authoriz-
 vors of them, shall have power and authority to sell, and they ed to sell
 are hereby authorized and empowered to sell, at public or certain real
 private sale, for cash or on credit as they may think best, estate,
 all or any part of the real estate of which the said James
 Trimble died seized, situate in the counties of McKean, Ve-
 nango, Mercer, Crawford, Erie, Dauphin and Lancaster,
 respectively, and to convey the same, whether sold together
 or in parcels, by good and sufficient instruments in writing
 to the purchaser or purchasers thereof, in fee simple, as fully
 and effectually as if the minor heirs of the said James Trim-
 ble, deceased, were of full age, and had joined in the con-
 veyance of the same: *Provided*, That before the said Fran- Proviso.
 cis R. Shunk, William Boyd and Thomas R. Trimble, the
 survivor or survivors of them, shall make sale as aforesaid,
 they or he shall enter into bond or recognizance with one or
 more sureties in such sum as the Orphans' Court of the coun-
 ty of Dauphin shall direct, conditioned for the faithful dis-
 charge of their or his duty, and the proper application of the
 money arising from any sale or sales, made in pursuance of
 the authority hereby given.

SECTION 18. That Clement Lawrence and Joel Evans,

Trustees of the estate of George B. Lownes, minor son of G.B. Lownes John Lownes, deceased, are hereby authorized and empowered to sell at public or private sale, and convey in fee simple a messuage, and fifty-five acres of land, situate in the township of Ridley, in the county of Delaware, devised to the said minor by George B. Lownes, deceased: *Provided*, That before the said Clement Lawrence and Joel Evans, shall execute any deed for the same to the purchaser or purchasers thereof, they shall give bond in such sum and with such sureties as the Orphans' Court of Delaware county shall direct, conditioned for the faithful discharge of their duty and proper application of the money arising from such sale.

Court of Adams co. empowered to accept the resignation of P. Shenefelter, a testamentary trustee.

SECTION 19. That the court of Common Pleas of Adams county shall have power to accept the resignation of Peter Shenefelter, surviving trustee of Anna Margaret Gubernator, under the will of Peter Shenefelter, sr., deceased, and appoint a successor, which said successor shall have all the powers of the original executors and trustees, so far as respects the legacy of the said Anna Margaret Gubernator, under the will of the said Peter Shenefelter, sr., deceased.

C. J. Davis authorized to sell certain real estate of Wm. Walley.

SECTION 20. That Charles J. Davis of Tredyffrin township, Chester county, shall have full power and authority to sell and convey the interest of his wife Mary, in certain real estate, situate in said township, for which a deed has already been executed by the said Charles J. Davis and Mary, his wife, to the late William Walley, deceased, as fully and effectually as she the said Mary could do if no doubt existed as to her capacity to make a deed, by release of the same to the devisees under the will of said William Walley, or such other conveyance or instrument as shall be devised to give effect to the contract between the said Charles J. Davis and the late William Walley, and confirm the title to said real estate in said devisees.

M. Allen's right & title to a tract of land bequeathed to him conditionally confirmed.

SECTION 21. Whereas Isabella Allen, late of the county of Washington, deceased, in her last will and testament, bearing date the thirty-first day of May, Anno Domini eighteen hundred and twenty-four, and which was duly admitted of record in the register's office of said county, did devise to Moses Allen and his heirs, a certain tract of land, situate in the township of Smith in said county, containing two hundred acres more or less, upon condition that if he the said Moses Allen, at any time married one Sarah Read of the said township, then he, said Moses, should forfeit all right and title to said land; and whereas the said Moses Allen did marry the said Sarah Reed, therefore the right and title of the said Moses Allen, in and to said tract of land described in the foregoing preamble, under the last will and

testament of said Isabella Allen, deceased, are hereby confirmed in him the said Moses, and shall be as good and effectual to all intents and purposes, as though the devise in the said will was absolute and without any condition annexed thereto: *Provided always*, That the rights of other persons *Proviso*. shall be in no wise affected by this act.

SECTION 22. That Jacob B. Clement, administrator of the estate of N. Bunker, of the city of Philadelphia, deceased, be, and he is hereby authorized to complete, execute, fulfil and carry into effect, all unexecuted or partly unexecuted contracts for the purchase, sale, exchange or conveyance of any lands, tenements or hereditaments, situate in the county of Schuylkill, made by the said Nathan in his life time, in like manner and with like effect in all respects as the said Nathan himself might or could do if living, and personally acting therein, and that the deeds, conveyances and writings which shall or may be made, executed or accepted by the said Jacob in and about the premises, shall be evidence of the matters and things therein recited or set forth, in like manner and for the same purposes as if made by the said Nathan in his life time, and shall bind the said Jacob or his estate in no other or greater manner or degree than as one of the debts or engagements, as said Nathan Bunker by him contracted in his life time: *Provided*, That all conveyances to said Jacob shall be received for the use of, or by way of use executed in such persons as are or may be the heirs and legal representatives of the said Nathan, according to the intestate laws of this commonwealth in force at the time of his decease, and that all lands, tenements and hereditaments included in such conveyances, shall as well before as after the making thereof, or subject to the provisions of the enactments contained in the two following sections of this act. *Proviso*.

That the guardian of the minor children of the said Nathan Bunker shall, during their minority, have power and authority to sell and dispose of for cash or on credit, and with or without the reservation of any redeemable or irredeemable ground rents or other rents, the whole or any part or parts of the shares of said minors respectively, of or in all or any lands, tenements or hereditaments in said county, wherein said Nathan Bunker was at the time of his death in any wise legally or equitably interested in severalty or in common, or together with any other person or persons, and to convey the same to the purchasers and their heirs, and to give effectual receipts and discharges for the purchase money: *Provided*, That the said guardian shall previously, in all cases, give security to be approved by and filed in the Orphans' Court of Philadelphia county, for

Admr. of the estate of N. Bunker, of Phil'a authorized to carry into effect unexecuted contracts.

Guardian of the minor children authorized to sell their shares of land.

Proviso.

the faithful and proper application of all purchase or extinguishment monies that may be receivable by her, under any such sale or disposition as aforesaid.

And whereas, it hath been represented that the said Nathan, together with other persons, was at the time of his death interested in certain mining privileges, rights, to take coal and other incorporal hereditaments, exercisable in or about certain lands in said county of Schuylkill, of which hereditaments partition cannot be made from the nature thereof, under the laws and usages of this commonwealth.

Orphan's C't may direct allotment to be made, or order a sale of the privileges and rights.

Be it further enacted by the authority aforesaid, that the Orphans' Court of said county of Schuylkill, on the application of the widow or any lineal descendant of said Nathan, having an interest therein, if of full age, or of his or her guardian if under age, shall and may, after appearance by or due notice to the other legal representatives of said Nathan, and parties interested in the premises, award an inquest to make and return to said court a just appraisement of the share or purpart which was of said Nathan at the time of his death, of and in all or any such privileges, rights, easements or hereditaments aforesaid, wherein said Nathan was at the time of his death, legally or equitably interested, together or in common with any other person or persons, and upon the return of said inquest, the said court shall proceed to make allotment of the same, or on refusal thereof to order a sale of the same, in the same manner and with the same effects, consequences and incidents, and subject to the same jurisdiction, proceedings and control, as are provided in and by the act of the twenty-ninth of March, one thousand eight hundred and thirty-two, relating to Orphans' Courts, of and concerning real estate, which cannot be divided without prejudice to or spoiling the whole, and of which the inquest therein mentioned shall have returned a just appraisement according to the provisions of said act.

Adm'r of J. Sam'l Gudtner authorized to sell certain real estate.

SECTION 23. That Jacob Gudtner, administrator, with the will annexed of John Samuel Gudtner, deceased, late of Antrim township, Franklin county, be and he is hereby authorized to sell, at public or private sale as to him shall seem expedient, the real estate of said deceased, situate in the township aforesaid, and convey the same to the purchaser or purchasers thereof: *Provided*, That before the execution of the deed or deeds for the premises, the said Jacob Gudtner shall give bond with such security as the Orphans' Court of Franklin county will approve, conditioned for the faithful application and distribution of the proceeds of sale, agreeable to the will of said deceased.

WHEREAS, it is represented to the general assembly that Preamble re
William Montgomery, Esquire, late of Lancaster county, to a tract of
deceased, died siezed in his demesne, as of fee of, in and to donation
a tract of donation land, situate in Wayne township, Craw- land of Wm.
ford county. No. one hundred and ten, sixth district, con- Montgomery
taining five hundred acres, more or less, that Fidelia R. Van- Esq., dec'd.
dyke, a minor grand child of said deceased, is one of his
heirs at law, and that the said lands are wholly unproduc-
tive, that it is represented that it would conduce to the inte-
rests of the said minor to have her share of said land sold
conjointly with the other heirs who are about to sell.

SECTION 24. That Dr. Samuel Humes, guardian of Fide- Guardian of
lia R. Vandyke, minor as aforesaid, be and he is hereby au- Fidelia R.
thorized and empowered to sell, at public vendue, all the Vandyke au-
right, title and interest of said minor, of, in and to the said thorized to
described tract of land, and to make and execute a sufficient sell her int.
deed for the same to the purchaser or purchasers, which shall & right in &
have the same force and effect, in law and equity, as a deed to the above
would have, executed by said Fidelia after she attains lawful tract of land.
age: *Provided*, That the said Dr. Samuel Humes before ma-
king sale in pursuance of this act, shall give security in the
Orphans' Court of Lancaster county for the faithful applica-
tion of the money arising from said sale.

SECTION 25. That Adam Reigart, guardian of Emily Hop- Guardian of
kins and Horace Hopkins, minor children of George R. the grand-
Hopkins, late of the city of Lancaster, deceased, who was children of
a son of James Hopkins, late of the same city, deceased, and Jas. Hopkins
Mary F. Hopkins, guardian of Ann Hopkins, Mary F. Hop- Esq. dec'd.
kins, Emeline Hopkins, James Hopkins and Phoebe Hopkins authorized to
minor children of Washington Hopkins, late of the same sell certain
city, deceased, who was also a son of James Hopkins, late real estate.
of the same city, deceased, are hereby respectively authorized
and empowered to sell, at public or private sale, and convey the
share and shares, right, title, claim and interest, which their
respective wards have or may have, in and to the whole or
any part or parts of the real estate of which James Hopkins,
Esquire, late of the city of Lancaster, died siezed, situated
in any part of this commonwealth, except in the counties of
Lancaster and York, and they, the said guardians, shall
have full power and authority, either personally or by attor-
ney or attornies, for that purpose made and deputed, to exe-
cute a deed or deeds to the purchaser or purchasers thereof,
or any part thereof in fee simple: *Provided*, That the said
Adam Reigart and Mary F. Hopkins shall, before making Proviso.
sale of the said property, enter into bond with sufficient sure-
ty, to be approved by the Orphans' Court of Lancaster county

conditioned for their faithful application of the proceeds of said estates according to law.

Guardian of C. A. Maise **SECTION 26.** That William Plumer, of Westmoreland county, guardian of Charles Alexander Maise, a minor of fourteen years of age, be and he is hereby authorized and empowered to sell, at public or private sale, all the right, title and interest of the said minor, of, in and to certain undivided real estate, situate in the township of Sewickly, in the county of Westmoreland, left to the said minor by his grandfather, Samuel Maise, and uncle Alexander Maise, and to make and execute a deed or deeds for the same, in fee simple, to the purchaser or purchasers : *Provided however,*

Proviso.

Before any such deed or deeds shall be valid; the said guardian shall give bond in such sum and with such security as may be approved by the Orphans' Court of Westmoreland county, conditioned for the faithful application of the proceeds of such sale.

Committee of J. Snyder, **SECTION 27.** That John Kuhns and Michael Straw, committee of the estate of Jacob Snyder, a lunatic, be and they are hereby authorized and empowered to sell, at public or private sale, all the right, title, interest and claim of the said lunatic, of, in and to the following real estate, viz : a lot of ground situate near Alleghenytown, in the county of Allegheny, containing twenty acres, also a lot of ground in the city of Pittsburg, in said county, with two houses thereon, and also another lot of ground in Alleghenytown as aforesaid, with a two-story brick house thereon, and to make and execute deed or deeds for the same, in fee simple, to the purchaser or purchasers : *Provided however,*

Proviso.

Before any deed or deeds shall be valid the said committee shall give bond in such sum and with such security as may be approved by the court for the faithful application of the proceeds of such sale to the maintenance of said lunatic.

Acts of prothonotaries & clerks appointed for temporary purposes made valid.

SECTION 28. That in all cases where prothonotaries or clerks have heretofore been appointed for temporary purposes by the respective courts of the counties, and have performed and done such acts under color of their appointments as are authorized by law to be done, and performed by the same officer legally appointed by the Governor, the same shall be held, treated and considered good and valid, to all intents and purposes ; and in all cases where such appointments now exist, or hereafter, shall be made for such temporary purposes by the courts as aforesaid, the officer so appointed shall have and possess all the powers and authorities, and do and perform the same duties, receive the same fees and be subject to like penalties and liabilities as though he

had been regularly appointed and commissioned by the Governor of this commonwealth.

SECTION 29. That from and after the first day of May next, Churches &c all churches, meeting houses or other regular places of stated colleges, &c. religious worship, with the grounds thereto annexed for the court houses occupancy and better enjoyment of the same, all burial & jails, &c. grounds belonging to any religious congregation, all universities, colleges, academies and school houses belonging to any county, borough or school district, or incorporated, exempted from taxation. erected, endowed or established, by virtue of any law of this commonwealth, with the grounds thereto annexed, all court houses and jails be, and the same are hereby exempted from all, and every county, road, city, borough, poor and school tax and all taxes heretofore assessed on any such property, shall not hereafter be collected, but the respective officers charged with the collection thereof shall and are hereby exonerated from the collection and paying over of the same.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 90.

An Act

To incorporate the Luthersburg and Punxatawny Turnpike Road company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road from the town of Punxatawny, in the county of Jefferson, to the town of Luthersburg, in Clearfield county, Lebeous Luther, John Jordan, Benjamin Bonsall, David Irvin, Jacob Flick, Benjamin Carson, David Hoover, David Henney and Jeremiah Miles, of the county of Clearfield, William Campbell, Charles R. Barclay, Charles C. Gaskill, James Winslow, James W. Bell and John Hoover, (miller) of the county of Jefferson, are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, Commissioners.

To procure books. that is to say, they shall procure a sufficient number of books, and in each of them enter as follows, to wit: We whose names are hereunto subscribed, do promise to pay the

Form of subscription. president and managers of the Luthersburg and Punxatawny Turnpike Road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such time and places as shall be determined on by the president and managers; witness our hands the day of Anno Domini, one thousand eight hundred and thirty ; and shall give notice in two newspapers of said counties of Jefferson and Clearfield, of the times when, and the places where the books shall be opened to receive subscriptions of stock of the aforesaid company, at which respective times and places some one or more of the aforesaid commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day for the space of six

Who may subscribe. days, or until the books shall have subscribed therein two hundred or more shares, and the said commissioners may adjourn from day to day, and from time to time and places suitable, until the whole number of shares aforesaid shall be subscribed.

Number of shares.

SECTION 2. When twenty or more persons shall have subscribed one hundred or more shares, the said commissioners or any three of them, shall certify under their hands or seals to the Governor, the names of the subscribers, and the number of shares subscribed by each, whereupon it may be lawful for the Governor, by letters patent under his hand and seal of state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The Luthersburg and Punxatawny Turnpike Road company," and by the same name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, for the purpose of making the said road, and shall be capable of taking and holding their capital stock and the increase and profit thereof, and of enlarging the same from time to time by new subscriptions to an amount not exceeding twenty thousand dollars, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal as shall be necessary to them in the prosecution of their work, and suing and

Letters patent.

Name, style and title.

Privileges.

being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The persons named in the letters patent shall, as soon as conveniently may be after issuing the same, give notice in two newspapers printed in said county, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize said company, and shall choose by a majority of votes of the said subscribers, by ballot, either in person or by proxy duly authorized, one president, seven managers, one treasurer and such other officers as they may think necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such officers shall be chosen and organized agreeably to the provisions of this act, and in case of death, removal or resignation of any president or manager, the board of managers shall choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and generally to have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take the like tolls and profits in proportion to the distance, as are given and granted to the president, managers and company of the Bellefonte and Philipsburg Turnpike road, and it shall be the duty of the president and managers of the said company, to commence their road at the town of Luthersburg, in Clearfield county, thence by the nearest and best route to the town of Punxsatawny, in Jefferson county: *Provided*, That if the said company shall not proceed to carry on the said work within eight years after the passage of this act, and shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

SECTION 4. That Samuel Keller, Adam Keller, Christian H. Rauch, Jacob Minnich, George B. Shaffer, Jacob B. Tshudy, John Erb, Jacob Erb, Em'l C. Reigart, Col. George Mayer, John Michael, John Beck, George Ford, jr., and

Organiza-
tion.

Vacancies

Seal.

Like powers
& penalties
as those of
the Belle-
fonte & Phil-
lipsburg
turnpike Co.

Proviso.

Committee.

John Eberman, George W. Hamersly, Abraham Kauffman, of the county of Lancaster, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say; they shall on or before the first day of May next procure two books, and in each of them enter as follows: We whose names are hereunto subscribed, do promise to pay the president and managers of the Lancaster and Litiz Turnpike Road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled An act to incorporate the President and Managers of the Lancaster and Litiz Turnpike Road company; Witness our hands the day of in the year of our Lord one thousand eight hundred and thirty-; and thereupon shall give notice in two or more public papers printed in the city and county of Lancaster, for twenty days at least of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other persons who shall duly authorize the same for any number of shares of stock, and the said books shall be kept open, respectively, for the purposes aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have six hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of six hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to six hundred the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

To procure
books.

Form of sub-
scription.

Who may
subscribe.

No. of shares

Proviso.

SECTION 5. When twenty persons or more shall have subscribed four hundred shares of the said stock, the said commissioners, respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor of this Commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the said subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the President and Managers of the Lancaster and Litiz Turnpike Road company, and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name, style and title.

Privileges.

SECTION 6. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the county of Lancaster, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, seven managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the

Organizati'n

Proviso.	<p>United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: <i>Provided always</i>, That no person shall have more than five votes at any election, or in determining any question arising at such meeting whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number; and it shall be the duty of the said president and managers, as soon as they are elected, to proceed forthwith to lay out the track of the said road from the northern end of North Queen street, in the city of Lancaster, to a point at or near the tavern now kept by Jacob Zeigler, in the village of Litiz, as they may think will best promote the interest of the public as well as said company, and generally have like powers, authorities and privileges necessary to carry on and complete the said turnpike road. and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls in proportion to the distance as are given and granted to the president, managers and company of the Lancaster and Susquehanna Turnpike road, by the laws of this commonwealth, and generally to do and exercise all the powers and authorities as fully and absolutely as if the said laws herein referred to were hereby enacted.</p>
Ratio of votes.	
Powers and penalties.	
Penalty for neglecting to pay instalments.	<p>SECTION 7. That if any stockholder, whether original subscriber or assignee, after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, shall neglect to pay such proportion for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum per month for every delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall have become equal to the sums before paid in part and on account of such share, then the same may be</p>
Forfeiture.	<p>forfeited by and to the said company, at any public meeting of the managers thereof, and may be sold by them to any person or persons willing to purchase the same, for such price or prices as can be obtained therefor; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be entered and brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: <i>Provided always</i>, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special</p>
Proviso.	

meeting of said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held, at the time of such election or general or special meeting of the said company, shall have been fully paid and discharged as aforesaid.

SECTION 8. It shall and may be lawful for the said company, as soon as five miles of the said road shall be completed, and so in succession for every five miles, to erect a gate thereon, and to receive toll according to the rate established in and by the said recited act: *Provided*, That if the company shall not proceed to carry on the said work within six years, and complete the road within ten years, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

When gates may be erected and toll received.
Proviso.
Time for commencing and completing the work.

SECTION 9. That Robert Wray of Armstrong county, Benjamin Walker, junior, and Edward Nixon of Indiana county, be, and are hereby appointed commissioners to view, lay out and mark a State road, beginning at the town of Warren in Armstrong county, to intersect the turnpike at the town of Shaloceta, and thence to Johnston's mill on Plum creek, to intersect with the turnpike at the town of Smithsburg in Indiana county.

State road from Warren in Armstr'g co. to Shaloceta and Smithsburg, Indiana co.

SECTION 10. It shall be the duty of the said commissioners, or a majority of them appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this

Commiss'rs. to be sworn or affirmed.
To locate the road, &c.
Route, &c.
Pay of commissioners and others.

act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, together with provisions, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain bearers and one axe man, at a per diem allowance not exceeding seventy-five cents.

Draft of the
road.

SECTION 11. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by orders of the court aforesaid.

Acc'ts. how
to be adjust-
ed and paid.

SECTION 12. The accounts of the said commissioners, for their own pay and for the pay of surveyors, chain carriers, markers, and for provisions, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Time and
place of the
meeting of
commiss'rs.

SECTION 13. The said commissioners shall meet on or before the third Monday in May next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen, by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Releases.

SECTION 14. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass

Proviso.

through such person or persons' land or lands, and file the same in the commissioners' office of the proper county.

SECTION 15. That the time for finishing and completing Muncy and the Muncy and Monroe turnpike, be, and the same is hereby Monroe extended for five years from and after the passage of this turnpike. act.

SECTION 16. That Francis McClure, Henry Kulp, John Lewistown R. Wickes, William McCoy, James McCord, Reuben C. Water Co. Hale, David R. Reynolds, Joseph Milliken, Abraham Bly-incorporated myer, William Cogshall, James Parker, James McDowell, Commiss'rs Daniel Eisenbeise, Alexander C. Wilson, James Wareham, appointed. Daniel Bloom, Jacob Mutersbaugh and William Mark, be and they are hereby appointed commissioners, who, or a majority of them, are hereby authorized and empowered to carry into effect the establishment of a company to be called the Lewistown Water company, for the purpose of introducing into the borough of Lewistown, in the county of Mifflin a sufficient supply of fresh and pure water, for the use of the inhabitants of said borough.

SECTION 17. It shall be the duty of said commissioners, or a majority of them, to procure a book or books in which they shall enter as follows: We whose names are hereunto subscribed, do promise to pay to the Lewistown Water company the sum of twenty dollars, for every share of stock in said company set opposite to our names, in such manner and proportions as shall be determined on by the board of managers of said company; witness our hands the day of in the year of our Lord one thousand eight hundred and thirty-eight, and the said commissioners, or a majority of them, shall fix on a time and place in the said borough of Lewistown, for the opening of said book or books to receive subscriptions of stock to said company, and shall give notice thereof of such time and place, for at least two weeks previous, in the newspapers published in said borough, at which time and place said commissioners, or a majority of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age who shall offer to subscribe in the said books, in their own names for shares in said stock, and the said book or books shall be kept open for the purposes aforesaid at least six hours in each juridical day for the space of three days, or until there shall have been subscribed seven hundred and fifty shares; and if at the expiration of three days the books aforesaid shall not have there-shares. in subscribed the number of shares aforesaid, the commissioners may adjourn from time to time, and transfer the books elsewhere until the whole number of seven hundred and fifty shares shall be subscribed, of which adjournment

Form of subscription.

Who may subscribe.

and transfer the commissioners shall give such public notice as they may deem just and necessary, and when the whole number of shares shall be subscribed, then the books shall be closed : *Provided*, That no person be permitted to subscribe more than twenty shares on the first day, and not more than ten on the second day, after which any person may subscribe for any number of shares until the whole of the stock is taken : *Provided*, That no subscription shall be valid unless the persons so subscribing shall pay to the said commissioners, at the time of subscribing, at least ten per cent. on the amount by them subscribed.

SECTION 18. When two hundred shares or more of the said stock shall have been subscribed, and the sum of ten per cent. paid thereon, the commissioners, or a majority of them shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and that ten per cent. has been paid thereon, the Governor shall, by letters under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Lewistown Water company, and by that name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, to plead and be impleaded in all courts of record and elsewhere : *Provided*, That nothing herein contained shall be so considered, as in any way giving to the said corporation any banking or trading privileges whatsoever, or any other privileges, liberties or franchises that may be necessary and incident to the constructing and maintaining the works necessary to conduct the water, as aforesaid, into said borough : *And provided further*, That the said commissioners be, and are hereby authorized to take and receive subscriptions from the commissioners of the county of Mifflin, in their corporate name, and from the burgesses and town council of the borough of Lewistown aforesaid, in their corporate name, so many shares of stock in said company, as the said commissioners of Mifflin county, and the said burgesses and town council shall agree to subscribe for the use of the public offices and buildings of said county and borough.

SECTION 19. That any five or more of said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least fourteen days notice in the newspapers published in the borough of Lewistown, of the time and place for the subscribers to meet and hold an election

for officers of the company, who shall choose by ballot seven managers, who shall be stockholders, to conduct the affairs of the company, until the first Monday in February, then next ensuing, and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him not exceeding three shares, and one vote for every two shares above three and not exceeding seven, and one vote for every four shares held by him above seven and not exceeding twenty, and one vote for every five shares above twenty and not exceeding forty, but no stockholder shall be entitled to vote on any number of shares held by him above forty; and the commissioners of the county of Millin, and the burgesses and town council of the borough of Lewistown, shall have the same privileges to vote for the stock held by them that is hereby given to individual stockholders; and the said managers shall appoint one of their number president of the board, who shall sign all certificates of stock; the president and managers shall have power to appoint a treasurer, secretary and such other officers and agents as may be necessary, and take such security from their treasurer, for the faithful discharge of his duties, as they shall see proper; and the election for officers shall be held, annually, on the first Monday of February, at such place as may be appointed by the managers, of which at least fourteen days notice shall be given in one or more of the newspapers printed in said borough; and when vacancies happen the managers shall supply them from among the stockholders, until the next annual election : *Provided*, That no misnomer, nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe.

Ratio of votes.

Annual election.

Proviso.

SECTION 20. That the president and managers, or any four of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well governing the affairs of said company, and shall also have power to call special meetings of the stockholders, whenever any circumstances occur which may render it necessary to consult them : *Provided*, That such by-laws, rules and regulations shall in no wise contravene the constitution and laws of the United States nor of this commonwealth.

Powers of the president & managers.

Proviso.

SECTION 21. That the president and managers shall procure a common seal, and the certificates of stock and other official acts, shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of said company, and shall deliver one

Certificates.

Transfer of
shares.

such certificate signed by the president and countersigned by the treasurer, and sealed as aforesaid, unto each person for each share held by him or her as soon as five dollars shall be paid on such share, and every such certificate shall be transferable in person or by attorney, duly authorized, in the presence of the president or treasurer of said company, in a book to be kept by the company for that purpose, subject however to all payments due, and to become due thereon, and the assignee holding any such certificate shall be a member of the corporation, and possess and enjoy all the rights and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Meetings.

Quorum.

Transact'ns
to be enter'd
in a book.

Powers.

SECTION 22. That the president and managers shall meet at such times and places as shall be directed by their by-laws, and when met, four members shall be a quorum, and in the absence of the president, a chairman may be chosen of their number met, and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books, to be kept for that purpose, and a quorum being formed they shall have full power to employ and contract with the engineers, artists and such workmen as they may deem necessary to carry on and complete their intended works, as well as to maintain, alter and repair the same, and also to fix the times and manner, and in what proportion the stockholders shall pay the monies due on their respective shares, and to draw on the treasurer for all monies that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act or their by-laws, rules and regulations they shall be authorized to do.

Authority to
purchase
springs of
water, &c.

SECTION 23. That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, for the purpose of introducing water into said borough, to purchase and hold in fee simple, or for any less estate, any spring or springs, stream or streams of water, or any water power or powers, near or convenient to said borough, or any lands, tenements or hereditaments, to which any spring or springs, stream or streams of water, or any water power or powers, may be appurtenant, with full power the same, or any part thereof, to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber and demise, and dispose of at their will and pleasure; and shall convey said water into the borough of Lewistown, by means of pipes, trunks, aqueducts, or in such manner as they shall deem most advisable and convenient, and should they find it

necessary, to provide proper cisterns or reservoirs for the reception thereof, and for these purposes may enter into such lands and enclosures as may be necessary, and to dig, ditch and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them previous to entering thereon, and the said president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes or trunks whenever laid on and through private property, doing as little damage as possible, and shall also have liberty at all times to dig and lay pipes and trunks along roads and highways, and the streets and alleys of the borough of Lewistown, and to renew and repair the same, shutting up and amending any breaches which they may make as soon as possible, and it shall be lawful for them to make cisterns and reservoirs in the streets or public grounds in said borough, where the same may be necessary.

SECTION 24. That the said president and managers shall, in such streets or parts of the borough where trunks or pipes shall be required, erect hydrants to be used for extinguishing fires. Hydrants for extinguish'g fires.
ing fires, and they shall have liberty, at all times where the trunks and pipes shall be laid in and through any part of said borough, to suffer individuals to be supplied with water for domestic or manufacturing use, for such reasonable compensation as shall from time to time be agreed on by said company and such individuals, according to such rates as the president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume. Compensation for water.

SECTION 25. That the president and managers shall call in the capital stock by instalments as the same may be required, and if any stockholder shall neglect to pay, after thirty days notice published in one or more newspapers published in said borough, payment may be enforced by action of debt in the corporate name of said company, against such delinquents as in other cases, and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president and managers shall declare a dividend on the stock, paid in half yearly, on the first Monday of January and July in each year, which dividend shall not exceed the sum of eight per cent. per annum on said stock actually paid, and shall publish the said dividend and the place where the same will be paid, and shall cause the same to be paid accordingly. Payment for instalments may be enforced. Dividends.

SECTION 26. If the owner or owners of land and tenements, through and upon which such pipes, trunks, aqueducts, reservoirs and cisterns pass or are laid and constructed, or the How damages to be ascertained and paid.

owner or owners of lands upon which it may be found necessary to enter for the purpose of digging, taking and carrying away clay, gravel and other materials necessary for the purposes contemplated by this act, or the person or persons who may be injured by the diversion of the waters used by the said company, cannot agree with said company upon the damages or compensation to be paid to said owner or owners, person or persons, it shall and may be lawful for the parties to appoint, or in case the parties cannot agree, then on application by the party complaining, the court of Common Pleas of Mifflin county shall appoint three disinterested and suitable persons, to ascertain and report on oath or affirmation, to said court what damages, if any, has been done by said company, which report being returned and confirmed by said court, judgment shall be entered thereon, and execution may issue in case of non payment for the sum awarded, with reasonable costs to be assessed by the court:

Proviso.

Provided, That either party may appeal from such award to the court, within twenty days after the same shall have been filed in the office of the prothonotary of said county, in the same manner as appeals are allowed in other cases, whether the said report was made by persons agreed upon by the parties or appointed by the court, upon which appeals such proceedings shall be had as are usual in other cases of damages.

Penalty for
injuring the
works.

SECTION 27. That any person who shall wilfully destroy or injure, in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works belonging to said company, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome, the stream or streams of water which shall be conveyed and brought into said borough of Lewistown by said company, or shall in any way pollute or render noxious or offensive the said water, every such person so offending, shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the magistrate before whom sued for, and to be recovered with costs, in the corporate name of the company, in the same manner as debts under one hundred dollars are recoverable, the one half for the use of the person who shall give information and the other half for the use of the company; and if any person against whom such judgment shall be rendered, shall neglect or refuse to pay the amount of such judgment, and no goods or chattels of such person can be found, whereof to levy the same by execution, then such person or persons shall be committed to the jail of the county of Mifflin, for any period of time not less than one

nor more than fifty days, at the discretion of the justice rendering such judgment, and shall, moreover, remain liable for all damages to the company.

SECTION 28. That if the said company shall not proceed Time for to carry on the said work within three years after the passing commencing of this act, or shall not within five years thereafter complete and comple- the same, so far as to have conveyed the water within the limits of said borough, in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to the commonwealth.

SECTION 29. That J. Price Wetherill, David Hoops, Cadwallader Evans, John Jones, (city) Charles Graff, Francis Phil'a Tide Lock Canal company, B. Nichols, Bird Patterson, J. R. Tyson, J. B. Sutherland, Edward King, Alexander Dougherty, B. T. Bioren, J. R. Walker, Thomas Mitchell, John Hemphill, Robert C. Whar- Commiss'rs. ton, N. C. Foster, W. E. Lehman, H. M. Provost, Joseph C. Burden, S. G. Walker, John Hare Powell, Robert Patterson, Thomas D. Grover, Walter Thompson, John M. Justice, Thomas J. Malony, James Ronaldson, George G. Thomas, Alexander W. Reed, John Lentz, Richard Peltz, Henry Helmuth, Oliver Evans, William Robinson, Charles D. Lybrand, N. H. Graham, Joshua Lippencott, Isaac Otis, Henry Troth, James F. Macaully, Jacob B. Lancaster, Frederick Graff, Almon Davis, George F. Lehman, Timothy Caldwell, Daniel M. Broadhead, Samuel J. Pearson, R. H. Butler, Thomas Lewellin, William Rheiner, James Hutchinson, John Naglee, Adam Everly, Joseph A. Dean, Joseph J. Shipman, John W. McGrath, Alexander Trotter, John Gray, J. M. G. Lescure, Henry Leech, Thos. S. Smith, Thomas U. Walter, George Wise, George Eckert, Edward Coleman, George Griscom, George Wevill, of the city and county of Philadelphia, George Ford, jr., George W. Hamersly, of Lancaster county, John Wever, John C. Offerman, William Hagerty, of Schuylkill county, William Robertson, jr., Benj. Darlington, of Allegheny county, or a majority of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say; they shall on or before the first Monday of June next procure books, one or more of which shall be opened at some convenient place or places in the city or county of Philadelphia, in which the following shall be written: "We whose names are hereunto subscribed, do promise to pay the Philadelphia Tide Lock company, fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act to authorize the Governor

To procure books.

Form of subscription.

	to incorporate the Philadelphia Tide Lock company; Witness our hands and seals, this day of Anno Domini one thousand eight hundred and thirty- ;”
Who may subscribe.	and shall thereupon give notice in at least two newspapers of the city of Philadelphia, for two successive weeks, of the times and place or places when and where the books are to be opened to receive subscriptions for the stock of the said company; and it shall be the duty of at least three of the said commissioners to attend at such times and places, and permit all persons of lawful age to subscribe in said book, in their own names or in the names of such persons as shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open for the purpose aforesaid, for at least four hours in each day for three days,
No. of shares	or until there shall be subscribed two thousand shares, and if at the expiration of the said three days there shall not be subscribed the number of shares aforesaid, the said commissioners may adjourn from time to time, until the whole number of two thousand shares shall be subscribed, of which adjournment the commissioners shall give such notice as they may think reasonable, and when the whole number of two thousand shares shall be subscribed, the said books shall be
Proviso.	closed : <i>Provided always</i> , That every person offering to subscribe in said books, in his own or any other person's name, shall previously pay to the attending commissioners the sum of five dollars on each share to be subscribed, out of which shall be defrayed the expenses attending the taking of the subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the company as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.
Letters patent.	SECTION 30. When the said two thousand shares shall have been subscribed, and the sum of five dollars paid on each share, the commissioners, or any ten of them, shall certify to the Governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, whereupon the Governor shall, by letters patent, under the greater seal of the commonwealth, create and constitute the subscribers a body politic and corporate, by the name, style
Name, style and title.	and title of the Philadelphia Tide Lock Canal company, and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they may think proper, and of purchasing and holding, to them, their successors and assigns, in fee or for any
Privileges.	

less estate, such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their business as a tide lock canal company, and of suing and being sued, and doing all other things which a body politic and corporate may lawfully do, and of borrowing such sum or sums of money on loan, from time to time, as may be necessary to enable them to finish their work or put the same in repair, and of giving mortgages, certificates, or other evidences and securities therefor; the said loan or loans to be convertible or not convertible into stock, as shall be agreed upon between said company and the lender or lenders.

SECTION 31. The commissioners hereinbefore named, or a majority of them, as shall soon as conveniently may be after the said letters patent have been obtained, give at least ten days notice in two daily papers of the city of Philadelphia, of the time and place by them appointed for the subscribers to meet in order to organize said company, and to choose by a majority of votes of the subscribers, given in person or by proxy duly authorized, one president, seven managers and a treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company until the first Monday of January next ensuing, and may make then, or at any subsequent meeting, such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States or of this state, as may be necessary to the government of the affairs of the said company.

SECTION 32. The stockholders shall meet annually on the first Monday of January in every year, at such place as may be fixed on by the board of managers, of which not less than ten days notice shall be given by the treasurer, in at least two daily newspapers of the city of Philadelphia, and choose by the votes of a majority of those present, in person or by proxy as aforesaid, the officers of the said corporation, who shall continue in office one year and until others are chosen : *Provided always,* That no one person shall be entitled to more than ten votes at any election or meeting, whatever number of shares he or she may hold, and that each person shall be entitled to one vote for each share held by him or her, not exceeding that number.

SECTION 33. The said president and managers shall meet at such times as shall be found by them most convenient, and when met five shall form a quorum, who, in the absence of the president, shall choose a chairman, and keep minutes of all their proceedings, and a quorum being formed shall have

Organizati'n

Proviso.

Ratio of votes.

Meetings.

Quorum.

Minutes.

Powers. power to appoint surveyors, engineers, superintendents, and all other artists and officers necessary to carry on the intended works, to fix their salaries and wages, to ascertain the times, manner and proportions in which the stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer: *Provided*, Such orders be signed by the president, or in his absence by a majority of the quorum present, and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

Proviso.

Certificates of stock. SECTION 34. The president and managers shall, as soon as convenient, procure certificates or evidences for the stock of the said company, and shall deliver one such certificate, signed by the president, countersigned by the treasurer and sealed with the corporate seal of the company, to each person, for such share or shares of stock by them respectively subscribed or held, he, she or they paying five dollars on account of each share, which certificate or evidence of stock, or any share or shares thereof, shall be transferable at his, her or their pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, who shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate having first caused the assignment to be entered on the books of the company kept for the transfer of stock, shall be a member of said corporation, and be entitled to the estates, emoluments and dividends of the said company incident to their respective shares, and to vote as aforesaid at the meetings thereof, and to be subject to all the penalties and forfeitures, and to be sued for all balance and penalties due on such share, as the original subscribers would have been.

Transferable

Penalty for neglecting to pay instalments. SECTION 35. If after thirty days notice in the newspapers, as aforesaid, of the time and place so appointed for the payment of any proportion or instalment, at the place appointed, for the space of twenty days after the time so appointed, every such stockholder or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; or in default of payment by any stockholder of any

such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought before any alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same together with the penalties as aforesaid : *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than twenty days previously to the said election or meeting. Proviso.

SECTION 36. The said president, managers and company shall construct, on the western side of the river Schuylkill, a tide lock canal, commencing at a point at or near Mill creek, and to terminate at a point at or near the locks of the Schuylkill Navigation company, at Fair Mount Dam, so as to be supplied for its purposes with tide water, in such manner as to admit of basins, docks, wharves and places of deposit being constructed by the owners of the adjoining soil, with the right of attaching and discharging boats at any point on said canal, and with not less than four tide locks to admit of communication with the opposite shore and the Southwark canal : *Provided*, There shall be left at all times sufficient space for the free passage of all boats in said canal : *And provided further*, That said president, managers and company shall complete that portion of said canal between High street and a point on the Alms House property, opposite the Delaware and Schuylkill canal, together with an out-let lock at said point, within three years from the passage of this act. Location of the canal.

SECTION 37. The said president, managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, after paying the damages to be assessed or agreed on, as hereinafter provided, to enter into and upon and occupy for the purpose, all the land which shall be necessary and suitable for constructing said tide lock canal, on the west side of the river Schuylkill, from a point at or near Mill creek and terminating at a point at or near the Fairmount locks, doing as little damage as possible, and there to raise, construct and erect said canal, first satisfying the owners thereof for the damage caused by the raising of said dam and constructing the said canal; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside in the city or county of Philadelphia, or if they cannot agree on such persons, then either of the parties may apply to the District Court of the city and county of Authority to enter upon and occupy lands, &c.

Damages how to be assessed and paid.

Philadelphia, and the said court shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground by reason of said canal passing through his, her or their land, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment of the sum awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the jury, or the six appraisers as the case may be, in valuing damages, to take into consideration the advantage derived to the owner or owners of the premises from the navigation passing through the same : *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the said court, in the same manner that appeals are entered in other cases : *And provided also*, That if any person owning land or other property which may be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then and in either of the said cases the said company shall represent the same to the said court, and they shall proceed in the manner aforesaid, after such notice, as they may think proper, in the public papers or otherwise, to have the damages, if any, assessed and paid or secured to their satisfaction, before entering upon or commencing operations on any part of the said canal.

Proviso.

2d Proviso.

SECTION 38. The president and managers, their superintendents, engineers, artists, workmen and laborers, with their hands, instruments, carts, wagons and other carriages and beasts of burden and draft, may enter upon the lands contiguous to the route of the said canal, giving ten days notice to the owners thereof, and from thence, with the consent of the borough officers, take and remove any gravel, sand, stone or earth, doing as little damage as possible and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away, the amount thereof, if the parties do not agree, to be assessed and valued by any three disinterested freeholders of the said city or county, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by the said District Court, upon petition by either party, from whose decision an appeal may be entered as is provided by the thirty-sixth section of this act.

Authority to enter upon lands for materials.

SECTION 39. As soon as the said company shall have completed the said canal and navigation, they shall give notice thereof to the Governor, who shall thereupon nominate

and appoint three disinterested persons to view and examine Governor to the same, and report to him in writing, under oath or affirm-appoint
 mation, whether the said canal and navigation is executed viewers.
 in a workmanlike manner, according to the true intent and
 meaning of this act, and if their report shall be favorable,
 the Governor shall, by license under his hand and the lesser License.
 seal of the commonwealth, permit the said corporation, by
 such persons as shall from time to time be appointed, as
 aforesaid, as toll collectors, or their agents or deputies, to
 demand and receive toll of and from persons having the
 charge of any boat, ark or other vessel passing on or through
 the said canal: *Provided*, That if, at the expiration of three Proviso.
 years after the said work shall be completed, the tolls should
 enable the said company, after paying repairs and other
 necessary expenses, to divide more than ten per cent. per
 annum on the capital stock expended, then and in such case
 the tolls shall be so reduced that the dividends shall not ex-
 ceed ten per cent. per annum, and shall hereafter, from time
 to time, be so regulated as that they shall not exceed ten
 per cent. per annum upon the capital stock, after paying all
 repairs and necessary expenditures.

SECTION 40. The toll collectors appointed as aforesaid shall, and they are hereby authorized, not to permit the pas- Authority to
 sage of any boat or vessel through the said canal, or any enforce the
 part thereof, until the tolls fixed by the said company are paym't of toll
 first paid and discharged by the owner, skipper or person
 having the charge thereof, or may bring suit therefor against
 the owner, skipper or person having the charge thereof, be-
 fore any competent tribunal, in the name of the said com-
 pany.

SECTION 41. The said company shall keep fair and just Just acc'ts to
 accounts of all monies received by them from the said com- be kept.
 missioners, and from the subscribers to the said undertaking
 on account of the said subscriptions, and for all penalties
 for delay in the payment thereof, and the profits on the
 shares that may be forfeited, and of all monies expended by
 them in the prosecution of the said work, and shall in every
 year submit such accounts to the stockholders at their annual
 meeting; and if it shall be found that the capital stock will
 be insufficient to complete the said canal, according to the
 true intent and meaning of this act, it shall and may be law-
 ful for the said company, at a stated or special meeting to be
 convened for the purpose, to increase the number of shares Number of
 to such extent as shall be deemed sufficient to accomplish shares may
 the work, and to receive and demand the monies for shares be increased.
 so subscribed, in like manner and under like penalties as are

hereinbefore provided for the original subscription, or as shall be provided by their by-laws.

Dividends. SECTION 42. The said company shall keep a just and true account of all monies received by their several and respective collectors of tolls, and other emoluments, and shall make and declare a dividend of the clear profits and income thereof among all the stockholders, all necessary expenses for repairs and other contingent costs and charges being first deducted, and shall, on the first Monday in February, and the first Monday in August in every year, publish the half yearly dividends made of the clear profit, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

Time of commencing and completing the work. SECTION 43. If the said company shall not proceed to carry on said work within one year from the passing of this act, and shall not complete the navigation as aforesaid in three years, according to the true intent and meaning of this act, then and in either case all, and singular the rights, privileges, liberties and franchises hereby granted, shall revert to the commonwealth.

Security to be taken from officers of the Co. SECTION 44. The said company may demand and take such security from their officers and agents, and in such sums as may be fixed by the by-laws, for the faithful discharge of their respective duties.

Banking prohibited. SECTION 45. The said company shall not engage, directly or indirectly, in any banking, monied, commercial or manufacturing concern.

Bridges to be built and maintained by the Co. SECTION 46. Whenever the said canal shall cross any public or private street, lane, road or alley now made or to be hereafter made by public authority, laid out road, or highway, the said company shall cause a bridge fit for the passage of carts and wagons, with a protected foot path, in such manner as shall be approved by the county commissioners or the officers of the borough as the case may be, to be built and forever hereafter maintained and kept in repair at the costs and charges of the said company, but nothing herein contained shall prevent any person from erecting and keeping in repair any foot or other bridge across the said canal at his own expense, when the same shall pass through his ground: *Provided*, That the same shall be of such height above the water as the bridges erected by the company: *And provided*, That such bridges shall not interfere with the navigation of the canal or with the buildings or works of the said company.

Proviso.

2d Proviso.

SECTION 47. In case the said canal shall be found injurious to the water works of the city of Philadelphia, or shall

diminish the supply of water to the said city or districts, or If the canal in any manner injure the same, or if the said company be injurious shall violate any of the provisions of this act, or if the privi- this charter leges hereby granted shall be found to be injurious to the may be re-public, the legislature reserves the right to revoke, alter or voked. amend the charter hereby granted, at any time they may think proper.

SECTION 48. That the twenty-fourth section of the act The 24th entitled "An act to enable the Governer of this common-sec. of act of wealth to incorporate a company for opening a canal and 12th April, lock navigation, between the rivers Delaware and Schuylkill, 1828, rel. to through the southern section of Philadelphia county, passed Delaware & twelfth day of April, one thousand eight hundred and Schuyl. ca- twenty-eight, which authorizes the state to purchase said nal repealed. canal at the expiration of twenty-five years after the passage of said act, be and the same is hereby repealed.

SECTION 49. That Charles S. Williams, John White, F. Schuylkill B. Nichols, Chas. S. Baker, Robert Colum and their asso- Steam Tow- ciates, be and they are hereby incorporated under the name, boat Co. in- style and title of the Schuylkill Steam Tow-boat company, corporated. with the same powers and privileges, and subject to the same restrictions as are contained in "An act to incorporate the Philadelphia Steam Tow-boat company," passed the seventh day of April, one thousand eight hundred and thirty-two, and its supplements; the annual election to be held on the first Monday of May, in the city of Philadelphia, and five directors to be elected.

SECTION 50. That the president, managers and company Certain of the Mercer and Meadville Turnpike road, and the presi- turnpike dent, managers and company of the Susquehanna and Wa- companies terford Turnpike road, be, and they are hereby authorized authorized to to open their respective roads to the width of one hundred widen their feet through marshy places, so as to let the light and air upon roads. the same: *Provided*, That all damages occasioned thereby *Proviso*. shall be adjusted and paid in the manner prescribed by their respective charters.

SECTION 51. That Michael Doudel, Jonathan Jesup, Cal- York Boro' vin Mason, John Evans, Thomas Kelly, Israel Gardner, Water Co. John Stahley, Jacob Barnitz and Christian Buchanan, Wm. Commiss'rs. Patterson, Jacob Deitz, Luke Rouss, T. N. Haller, James Webb, David Buehler, Jacob Smyser, John Schlosser, Samuel C. Bonham, Jacob Hay and Andrew Duncan, or any three of them, are hereby appointed commissioners to do and per- To procure form the several matters and things hereinafter mentioned, books, that is to say; they shall, on or before the first day of June next, procure a book and enter therein as follows: We, the Form of sub- subscribers, promise to pay to the president and managers scription.

of the York Borough Water company, the sum of twenty dollars for every share set opposite to our names, in such manner, in such proportions, and at such times as shall be determined by said president and managers, in pursuance of the powers vested in them by their charter and the acts of assembly by which they were incorporated; witness our hands and seals the day of eighteen hundred and thirty-eight; and shall thereupon give notice, in two or more newspapers in the borough of York, during two successive weeks, of the time and place in said borough when and where they will attend to receive subscription for stock in said company, at which time and place said commissioners, or a majority of them, shall attend for the purpose of receiving such subscriptions, and shall permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, for shares in said stock, and the said book or books shall be kept open for the purposes aforesaid at least six hours in each juridical day for the space of three days, or until there shall have been subscribed a sufficient number of shares to complete the work: *Provided*, That no person be permitted to subscribe for more than five shares on the first day, and not more than ten on the second day, after which any person may subscribe for any number of shares until the whole of the stock is taken: *Provided*, That no subscription shall be valid unless the person so subscribing shall pay to the said commissioners one dollar on each share so subscribed, which, after deducting the expenses of taking the subscriptions and other incidental expenses, the commissioners shall pay over to the treasurer of the company when it shall have been organized: *And provided further*, That the corporation of the borough of York shall not be authorized to subscribe, in their corporate capacity, for any shares in said company, until at least six hundred shares shall have been subscribed for by individuals, and shall not then be authorized to subscribe for said stock until a majority of the taxable inhabitants of said borough shall have requested them in writing so to do, nor shall the said corporation be authorized to purchase any of said stock which may have been subscribed for by individuals, unless authorized as before directed.

SECTION 52. That when five hundred shares shall have been subscribed, the commissioners shall certify the same, with the names of the subscribers, under the hands and seals of the commissioners, to the Governor, who thereupon shall, under his hand and the seal of the state, create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in

Who may
subscribe.

Proviso.

2d Proviso.

3d Proviso.

Letters pa-
tent.

deed and in law, by the name, style and title of the York Name, style
 Borough Water company, by which the said company shall and title.
 have power of perpetual succession, and all the privileges and
 franchises incidental to a corporation, and shall be able and Privileges.
 capable of taking and holding the capital stock, and the
 increase and profits thereof, and of enlarging the same and
 increasing it by new subscriptions, if found necessary to
 fulfil the intention of this act, and of purchasing, holding,
 selling and transferring, in fee simple or for any less estate,
 such lands, tenements and hereditaments, real or personal,
 as shall be necessary in the prosecution of the works, and
 of suing and being sued, and of doing any and every matter
 and thing which a corporation may lawfully do.

SECTION 53. That any three or more of the commission-First elec-
 ers, as aforesaid, may and shall, as soon as conveniently tion of offi-
 may be after the letters patent have been issued by the Go- cers.
 vernor, give at least ten days notice in two of the public
 papers published in the borough of York, of the time and
 place of holding an election for officers of the company, to
 serve from that time until the next annual election of the
 burgesses and other officers of the borough of York; and the
 officers of the said corporation shall be ten managers, who
 shall out of their number elect a president, and shall also
 appoint a secretary, treasurer and such officers and agents as
 they may from time to time deem necessary.

SECTION 54. That whenever the burgesses and assistant Annual elec-
 burgesses shall hold, for the citizens, as aforesaid, one or tion.
 more tenth parts of the whole stock of the said company,
 they shall certify the same to the citizens of the borough,
 who shall at the time, place and in the same manner as they
 elect the burgesses, elect annually as many managers of the
 water company, aforesaid, as the burgesses shall have sub-
 scribed or purchased tenth parts of the whole stock of the
 said company; the balance of the ten managers not elected
 by the citizens, as aforesaid, shall be elected, annually, by
 the individual stockholders, by ballot, on the same day that
 the election for burgesses and other officers shall take place
 for the borough of York: *Provided*, That if the day of elec-
 tion for the first managers do not come on the day of electing Proviso.
 burgesses, &c.; for the borough, the commissioners shall
 hold an election of the citizens of the borough of York for as
 many managers as the burgesses shall have subscribed tenth
 parts of the stock subscribed, which managers so elected
 shall serve until the next annual election of burgesses and
 managers: *And provided also*, That each stockholder shall 2d Proviso.
 be entitled to one vote for each of the first two shares he
 may own, one vote for each of the next four shares above

two and not exceeding ten, one for each of the ten shares and not exceeding thirty, one for each of the twenty shares above thirty and not exceeding fifty, but no votes for any shares exceeding fifty.

Stock of York Water Co. **SECTION 55.** That the managers of the York Borough Water company shall have power to treat with the York Water company, and to admit that company to vest in the York Borough Water company the stock of the said York Water company, on such equitable terms as they may deem for the interest of the York Borough Water company: *Provided*, It be done within one year from the time of the charter of the York Borough Water company, taking effect by the election of the first managers thereof.

By-laws. **SECTION 56.** That the president and managers, or any five of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well being of the company, to call special meetings of the stockholders whenever they shall deem it necessary to consult them: *Provided*, That no by-laws, rules or regulations contravene the constitution and laws of this commonwealth.

Seal. **SECTION 57.** That the president and managers shall have power to procure, and shall procure a common seal, by which the certificates of stock shall be authenticated, which certificates of stock shall be transferable either in person or by power of attorney, attested by two witnesses, subject however to all dues and payments due or to become due thereon.

Of transfer. **SECTION 58.** That the managers shall meet at stated times, or by adjournment, or by a call of any two or more of the managers, and six managers, including the president, shall have power to transact all business of the board, and generally to transact and do all such matters and things as by this act or their by-laws, rules and regulations they shall be authorized to do: *Provided*, That, if practicable, all the managers have notice of the time and place of the meeting of the board.

Proviso. **SECTION 59.** That the managers aforesaid shall have power, and it shall be their duty, as soon as practicable after the organization of the company aforesaid, to proceed to bring into the borough of York an abundant supply of water from such spring or springs, stream or streams as they may select, not now owned by the York Water company, and shall have power, for that purpose, to force water, if necessary, by water or steam power into a reservoir or reservoirs which they may construct for its reception, and to bring the same in trunks or pipes through or across any field or enclosure, along any road or highway, and through any of the streets and alleys of the borough of York, or of Buttstown and Freystown, and

Powers of the managers.

shall at all times have liberty and power to repair or re-construct such trunks, pipes, reservoirs or works necessary to carrying into effect the object of this law.

SECTION 60. That the managers aforesaid shall, in such streets and alleys in the borough of York, and in Buttstown and Freystown, as they shall have laid pipes, cause hydrants or fire plugs to be erected, to be used for the purpose of extinguishing fires, and shall have liberty to supply or to suffer individuals to be supplied with water for domestic and manufacturing purposes, for such compensation as shall be agreed upon by the company and such individuals, according to uniform rates to be adopted by the managers, having regard to the quantity of water to be used. Hydrants for extinguish'g fires, &c.
Compensat'n for water.

SECTION 61. That the president and managers shall have the power of calling in the capital stock subscribed, by such instalments as they deem advisable, and to collect the same by suit, after giving thirty days notice in two or more of the newspapers in the borough of York; and after the debts of the company shall have been paid, they shall, by the president declare a half yearly dividend on the stock paid in, on the first Mondays of January and July, publishing the time and place of paying the same, and causing the same to be paid accordingly. Instalments may be collected by
Dividends.

SECTION 62. That any person who shall wilfully destroy or injure the works, pipes, reservoirs, cisterns or hydrants of the company, or shall wilfully corrupt or render unwholesome the water brought or conveyed into the borough of York, Buttstown or Freystown, by the company, or the stream or streams, spring or springs from which the same is brought, shall be deemed guilty of malicious mischief, and be liable, and also liable to the company, for damages sustained by such injury. Penalty for injuring the work.

SECTION 63. That if the company shall not proceed to commence and carry on the work hereby authorized to be done within three years from the time of the passing of this act, and do not within five years thereafter have brought the water within the limits of the borough, then, in either case, all and singular the rights and liberties hereby granted, or hereby intended to be granted to the company shall revert to the commonwealth. Time for commencing and completing the works.

SECTION 64. That the said company shall not have power to issue any note or notes in the nature of bank notes, or to be endorsers on any note or notes, or to use or exercise any banking privilege whatever, and in case they at any time act contrary to the provisions of this section their charter privileges shall be null and void. Banking prohibited.

Damages.

Proviso.

SECTION 65. That whenever, by application to the court of Common Pleas of York county, any individual or individuals complain and allege that he, she or they have sustained injury by such water being taken from or across their land or enclosures, it shall be lawful for the said court, and the said court is hereby directed to appoint three discreet individual citizens of the county of York, not interested in the question to be decided, who after viewing the premises and hearing the parties, their proofs and allegations, shall award such damages, under oath, as they may deem just and equitable: *Provided*, That from such award either the party complaining or the company may appeal as from the award of arbitrators, under the act of assembly, passed the twentieth day of March, eighteen hundred and ten.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 91.

An Act

Supplementary to the resolution relative to the claim of Brown and Sawyers, passed the thirty-first of March, one thousand eight hundred and thirty-six, & for other purposes.

Brown and
Sawyers'
claim to be
examined &
settled.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the words in said act, "under their contract," shall not be so construed or understood as to confine the Canal Commissioners to a strict and exclusive regard to the contract, but the same is meant and intended to be one of the items of evidence to guide them to a proper and just conclusion, and that the Canal Commissioners, as soon after the passage of this act as is convenient, shall proceed to examine the claim of Brown and Sawyers, and if, in their opinion, there was any thing in the character of the work which the contractors had no reason to expect, or if the said contractors have suffered any injustice through mistake in measure

or calculation, the Canal Commissioners shall settle the said claim on principles of justice and equity, only having regard to the provisions of the contract so far as the same may assist them in a just and proper settlement.

SECTION 2. The general militia trainings, within the bounds of the second brigade, ninth regiment of the Pennsylvania militia, shall hereafter take place on the third Monday in June, annually.

9th reg't. 2d
brig. P. M.
train 1st
Monday in
June.

SECTION 3. That Charles C. Howard, now or late of the city of Philadelphia, be and he is hereby authorized to change his name from Charles C. Howard to that of Charles Howard Haven, and he shall be henceforth called and known by the name of Charles Howard Haven, and by the same name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts, as effectually, to all intents and purposes, as he could have done by his former name if no change had been made therein.

Name of C.
C. Howard
changed to
C. H. Haven

SECTION 4. That the name of William J. Kerrison, now of the city of Philadelphia, be and the same is hereby changed to William J. Cantelo.

Name of W.
J. Kerrison
changed to
W. J. Cantelo

SECTION 5. That Thomas T. Hayes, Zenas H. Russell, Abiram Winton, Samuel S. Jessup, John Torrey, John D. Delezeune, Amory Prescott, Daniel P. Fuller, Joseph D. Walton, Isaac P. Hoster, Nathan M. Bartlet, T. H. R. Tracy, Hastings Frisbie, Stephen North, jr., C. K. Robinson, David Sarbor, Wm. H. Dimmich, Leonard Graves, E. W. Hamlin, Paul S. Preston, James Manning, Thomas Clark, Jacob Faatz, Enos Woodward, Wm. Greele, and Phineas Arnold, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the Wayne County Mutual Insurance company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property against loss or damage by fire.

Wayne co.
Mutual Insu-
rance Co. in-
corporated.

SECTION 6. All persons who shall hereafter insure with the said corporation, and also their heirs & executors, administrators and assigns, continuing to be insured with said corporation as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by said company and no longer.

Persons in-
sured to be
members.

SECTION 7. The affairs of said company shall be managed by a board of directors, consisting of thirteen members, chosen or appointed as hereinafter provided; all vacancies happening in said board to be filled by the remaining directors for the remainder of the year for which they were elected, or until a new election; and a majority of the whole

Board of di-
rectors.
Vacancies,
how filled.

Quorum.

First directors.

shall constitute a quorum for the transaction of business; the first thirteen persons named in the first section of this act shall be the first directors, and the business of the said corporation shall be done and transacted at such place in the borough of Honesdale, in the county of Wayne, as shall be designated by a majority of the directors present at any regular meeting of the board; and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough of Honesdale, aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members, not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot, and by a plurality of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured for him with said incorporation.

Election.
Rates of insurance to be determined.
Payment of insurance by deposit notes.

SECTION 8. The directors shall determine, as nearly as practicable, by their by-laws, the rates of insurance on the different classes of property, and the sum to be deposited for any insurance, they shall also fix the sum to be insured.

Payment of insurance by deposit notes.

SECTION 9. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors, a part, not exceeding ten per centum of said note shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same requisite, for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said corporation, and at the expiration of the time of insurance the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof, and it shall be lawful for said company to loan such portion of their money on hand as shall not be wanted immediately for the purposes of said corporation, to be secured by bond or mortgage, on real estate of double the value of the sum loaned, above all encumbrances, for a term of time not exceeding one year, the interest to be paid half yearly, and in default of such payment the principal, as well as the interest, to become immediately due and collected.

Money on hand may be put to interest.

SECTION 10. And said company shall have a lien in the nature of a judgment, waiving the right of inquisition upon all the said property of the insured to the amount of his deposit note, or so much thereof as may be unpaid, which shall continue until the amount of such note, with interest and costs of execution, if any, shall have been paid or satisfied, according to the provisions of this act: *Provided*, Said company shall file in the office of the prothonotary of the county wherein such real estate shall lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note unpaid, and the term for which the insurance shall continue, and the prothonotary with whom the same shall be filed is hereby required, forthwith, to enter the same, without tax or fee, at large upon his judgment docket, and the same when so entered shall be deemed and taken in all respects, as a judgment entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as, by virtue of the provisions of this act, may be due and demandable, but the lien thereof shall commence with the filing of the memorandum in the office of the prothonotary.

Lien of the company.

Proviso.

SECTION 11. When property insured by this corporation shall be alienated by sale or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit notes, with an order, signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon: *Provided*, That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent, within thirty days next after such alienations, on giving security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

Alienation of the property to make void the policy.

Proviso.

SECTION 12. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes, or for any cause relating to the business of said corporation, or against any person for monies due said

Of suits at law.

corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause, but said corporation shall not hold any property, except what may be absolutely necessary for the transaction of their corporate business, and all real estate, purchased by said company for the purpose of collecting or securing debts, shall escheat to this commonwealth, unless the same shall have been sold and disposed of, and passed, bona fide, from the possession and ownership of said corporation, within six years next succeeding such purchase.

How loss or
damage to
be ascertain-
ed and deter-
mined.

SECTION 13. In case of any loss or damage by fire, happening to any member, upon property insured in and with said company, the said member shall give notice thereof in writing to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened, and the directors upon view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or said party may bring an action against the company for said loss or damage, at the first court in said county of Wayne competent to try the same, and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss and damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid the said company shall recover their costs: *Provided however*, That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Proviso.

How loss or
damage is to
be settled
and paid.

SECTION 14. The directors shall, after receiving notice of any loss or damage by fire, sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as

his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the sixth section of this act; and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

SECTION 15. If the available funds on hand and the amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive, toward making good their respective losses, a proportionate dividend of the whole amount of said deposit, according to the sums to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars to them respectively insured; and no member shall be required to pay for any loss occasioned by fire, at any time, more than one dollar on every hundred dollars insured in said company in addition to his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended, but any member, upon payment of the whole of his deposit note and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company.

If the available funds be insufficient to pay losses other sums to be raised, and how.

Members may be discharged from the comp'y.

SECTION 16. No policy shall be issued by said company till application be made for insurance for twenty-five thousand dollars at least.

When policies shall be issued.

SECTION 17. No insurance shall be made by said company for a longer period than seven years.

Time of insurance.

SECTION 18. This act shall take effect immediately after its passage, and shall continue in force for twenty years, but the legislature of this commonwealth may at any time alter, modify or annul its provisions.

Continuance of this act.

SECTION 19. That the town council of the borough of West Philadelphia, shall have full power and authority to pave, or cause to be paved, agreeably to the regulations from time to time made and established, the footways and gutters fronting on any public street, lane or alley in the said borough, and may value and assess the expense thereof on the freeholders in front of whose ground such footways

Borough of W. Philad'a authorized to pave gutters and streets.

Proviso

2d Proviso.

Norristown
Water Co.
Commiss'rs.
to procure
book.

Form of sub-
scription.

Letters pat-
ent.

and gutters shall be paved, and for grading, curbing and keeping the same in repair in front of their respective lots, and the said assessments shall be collected as other borough taxes are by law collected, and in default of payment may be entered in the proper office and shall be a lien on said lots until paid : *Provided always*, That all and every, the owner and owners of ground, shall have the privilege of grading and paving the footways on their own front, aforesaid, so that they have it completed within thirty days after due notice in writing, given for that purpose by the said town council, or by any other person by them appointed : *And provided also*, That no person shall be obliged to have any footway to a greater breadth than four feet, on that portion of the front of any lot whereon a dwelling house has not been erected, nor shall any person be required to grade, curb and pave, as aforesaid, until the wagon or cart-way shall be McAdamized or paved in front of his or her lot or lots, nor shall the said owners be required to grade, curb and pave, as aforesaid, any lot or lots situated more than one thousand feet beyond the densely built portion of said borough.

SECTION 20. That John B. Sterigere, Joseph Thomas, John Freedley, Thomas M. Jolly, Adam Slemmer, James M. Pawling, William H. Slingluff, John Boyer, Isaiah W. Davis, William Powell, Samuel Jamison, Bernard McCree- dy, Jacob Spang, Joseph Fornance and Levi Roberts, or any four of them, are hereby appointed commissioners, who shall, on or before the first day of January next, procure a book and enter therein as follows : "We, the subscribers, promise to pay to the president and managers of the Nor-ristown Water company, the sum of twenty-five dollars for every share set opposite to our respective names, in such manner and proportions and at such times as shall be deter- mined by the said company, in the manner that is provided by the act of assembly, entitled "An act authorizing the Governor to incorporate the Pottsville Water company," passed the 11th day of April, 1834 ; witness our hands the day of _____ in the year of our Lord one thou- sand eight hundred and _____ ;" and shall thereupon give notice, in one or more newspapers published in the borough of Norristown, for the space of two weeks, and shall take and receive subscriptions in the manner provided by the first section of the act above recited, and under the restric- tions and provisions of said section in all respects ; and when twenty-five or more persons shall have subscribed four hundred or more shares of the said stock, the commission- ers shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each,

to the Governor, who shall, under his hand and seal of the state, erect the subscribers, and those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "The Norristown Water company," by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall have all the powers and authority, and shall be subject to the same restrictions, limitations and provisions as are contained in the said recited act incorporating the Pottsville Water company, and as if the said act, word for word, was herein re-enacted with the word "Norristown" substituted for the word "Pottsville," and may receive and take, purchase and hold, and dispose of at pleasure, any tract or tracts of land, not exceeding in the whole twenty-five acres; and all offences against said company shall be cognizable before any justice of the peace in and for the county of Montgomery.

SECTION 21. That the time allowed for the payment of the balance of stock in the Berks County Bank, is hereby extended for the term of three years from the first day of April, A. D. 1838.

SECTION 22. That from and after the passage of this act, the commissioners of the county of Chester shall, respectively, receive out of the county treasury two dollars and fifty cents for each day that they shall necessarily attend to the duties of their offices.

SECTION 23. That from and after the passage of this act, the county commissioners and directors of the Poor of Dauphin county, in addition to the pay allowed them by law, shall be allowed six cents and one fourth of a cent, for each mile circular necessarily travelled in the execution of the duties of their office.

WHEREAS, a certain Sarah Desilver, of the county of Philadelphia, now deceased, did, on the twenty-fifth day of August, Anno Domini one thousand eight hundred and twenty-five, make and execute a certain deed of conveyance unto a certain Thomas J. Kitts, pastor of the Second Baptist church and congregation in the city of Philadelphia, certain real estate, to wit: all that certain lot or piece of ground and premises, situate on the west side of Delaware second street, continued above Poplar lane, containing in breadth on said street forty feet and in length on the north side forty-three feet eight inches, and on the south line forty-nine feet seven inches and a half, subject to the payment of a yearly rent charge of seven pounds ten shilling; also two certain

Thos. J. Kitts
to make
deed to the
trustees of
the Second
Baptist Ch'h

lots or pieces of ground, situate on the west side of Delaware Second street, in the Northern Liberties north of Poplar lane, one of said lots on which a frame messuage is erected, containing in breadth on said street twenty-four feet, and extending in depth seventy-one feet, or thereabouts, gradually narrowing, especially on the south side thereof, to the breadth of eleven feet on the line of land formerly of Samuel Wallace, and the other of said lots beginning at a post for a corner on the west side of said Second street, thence extending along a line of a lot, formerly of Martin Deits, westward fifty-four feet, more or less to the line of land of said Wallace, thence northward along said land about nine feet to the lot hereinbefore mentioned, and thence by the same eastward to Second street, aforesaid, to the place of beginning, be the same more or less; also a certain frame tenement and lot or piece of ground, situate on the west side of Delaware Second street, aforesaid, containing in breadth, north and south eighteen feet, and in length or depth on the north side twenty-six feet, and on the south side thereof seventy-eight feet; also a certain frame tenement and lot or piece of ground, situate on the west side of Delaware Second street north of Poplar lane, containing in breadth, north and south twenty-seven feet, and in length or depth on the south side eighty-two feet, and on the north side seventy-eight feet more or less, under and subject to the payment of the several yearly rent charges, and also that the rents, issues and profits thereof, to be for the only proper use and benefit of her the said Sarah Desilver, during her natural life, and after her decease, then the said Thomas J. Kitts, his heirs and assigns, to make and execute unto the trustees of the Second Baptist church and congregation of the city of Philadelphia, a lawful deed for that certain brick house and lot of ground, situate on the west side of Delaware Second street aforesaid, bounded east by Second street, south by a straight line running through the middle of the gable end wall of the said house, until it intersects the line of land late of Samuel Wallace, on the west bounded by said Wallace's land, subject to a yearly rent charge of seven pounds ten shillings, and the remainder of said real estate to vest in the said Thomas J. Kitts, his heirs and assigns forever.

Sarah Desil-
ver's will.

And whereas, Prior to the said deed or conveyance, the said Sarah Desilver, to wit, on the eighth day of December, Anno Domini one thousand eight hundred and twenty-four, made and executed a certain last will and testament, wherein she devised her said real estate in the manner aforesaid.

And whereas, Information has been made since the said Information Sarah Desilver's decease, and filed with the Auditor General, filed as of an that said Sarah Desilver died intestate, without leaving any escheated known heirs or representatives capable of inheriting said estate. estate, and proceedings have been had thereon in the court of Common Pleas of the county of Philadelphia, as of an escheated estate, which proceedings are now pending before said court and undetermined: Therefore,

SECTION 24. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all the right, title and interest this commonwealth may have acquired by reason of an escheat or a supposed escheat, on the ground of her alleged insanity at the time of making such last will and testament and deed of conveyance, and for the want of heirs of the said Sarah Desilver, of Philadelphia county, deceased, in and to the real estate whereof she died seized as aforesaid, be and the same is hereby vested in the heirs of the said Thomas J. Kitts, deceased, and in the trustees of the Second Baptist Church and congregation in the city of Philadelphia, their heirs, successors and assigns forever, in such portions and purparts as stated in said deed of conveyance, of the said Sarah Desilver before recited: *Provided*, That no other claim or right by this commonwealth, except what is derived by said escheat or supposed escheat, shall pass by this act, or shall any vested interest in the informer be in any manner affected thereby.

Right to the estate vested in the heirs of T. J. Kitts and the trustees of the 2d Baptist ch'h.

Proviso.

SECTION 25. That all the right, title and interest which has escheated to this commonwealth, in and to all property, real and personal, late of Charles Reger of the county of Philadelphia, deceased, be and the same hereby is vested in the next of kin of Rudolph Reger, late of said county deceased, father of the said Charles Reger, as fully and in the same manner as though the said Charles Reger had been born in lawful wedlock and died intestate.

Right to C. Reger's escheated estate vested in the next of kin.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 92.

A Supplement

To the act entitled "An act to erect Shirleysburg in the county of Huntingdon, New Hope in the county of Bucks, and Hamburg in the county of Berks, into boroughs, and for other purposes."

Rendering
valid the
election held
in May 1837

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election held by the inhabitants of the borough of Hamburg, in the county of Berks, for the several borough officers, on the first Saturday of May last, instead of the Saturday preceding the first Saturday of May last, as is provided in the act to which this is a supplement, be and the same is hereby rendered valid and made effectual, as fully as if the same had been held agreeably to the provisions of the act to which this is a supplement.

Annexing
part of Wind-
sor township
to the bor-
ough of Ham-
burg.

SECTION 2. That so much of the township of Windsor in the county of Berks, beginning at a post at Schuylkill street, thence along said street, south seventy-six and a half degrees west five and a half perches to a post, thence by town lots south fourteen and a half degrees east forty perches to a post at Pine street, thence along said Pine street, north seventy-six and a half degrees east twenty perches to a post, thence through land of George Miller, north one degree west twenty perches and three-fourths of a perch to a post, a corner of said George Miller and William Shomo's land, thence along the division line of said George Miller and William Shomo's land, north fifty-seven degrees west sixteen perches and seven-tenths of a perch to a post, a corner of said George Miller and Adolf Hartzfield's land, thence through said Adolf Hartzfield's lands, north sixty and a half degrees west eleven perches and four-tenths of a perch to a post, a corner of Schuylkill street, to the place of beginning; also so much of the township aforesaid, beginning at a post on the bank of the river Schuylkill, thence down said river, south six degrees east six perches to a post, south twenty-two and three-quarter degrees east twenty-six perches to a post, a corner of Joseph Miller's land, thence along the division line of the same, north eighty-seven and a half degrees east one hundred and ninety-two perches to a post, north eleven and a half degrees west sixteen and a half perches to a post, a corner of said Joseph Miller and William Bell's

land, thence along the division of the same, north forty-six degrees east fifty-four perches to a chesnut, thence north twenty-three and a half degrees west one perch to a stone, a corner of Israel Derr and said Joseph Miller's land, thence along the division line of the same, north sixty-eight degrees east thirty-five and a half perches to a willow, thence along the division line of the said Israel Derr and Jacob Stitzell's heir's land, north three and a half degrees west nineteen perches to a post at a public road, thence along said road, south seventy-six and a half degrees west nineteen and one half perches to a post, thence by out lots of the said borough, south fourteen and one half degrees east twelve perches to a post, south seventy-six and one half degrees west fifty-three perches to a post, thence by town lots of the said borough, south fourteen and a half degrees east twenty-five and one quarter perches to a post, thence partly by town lots and partly by out lots of the said borough, south eighty-six degrees west two hundred and eight perches to the post, on the bank of the river Schuylkill and place of beginning, is hereby annexed to the borough of Hamburg in the county of Berks, and included within the bounds of the same.

SECTION 3. The inhabitants of said borough, entitled to vote for members of the general assembly, having resided within said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the third Saturday of March, to meet at the house of William Shomo, in said borough, and annually thereafter, and then and there between the hours of one and six o'clock in the afternoon, elect by ballot one reputable citizen who is to be styled the chief burgess, one other citizen who is to be styled the assistant burgess, seven citizens to be a town council, and two citizens for the office of constable, and return the two citizens chosen for the office of constable to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, who shall also perform the duties of high constable of said borough, and so much of the act to which this is a supplement as is hereby altered or supplied is hereby repealed.

Annual
election.

SECTION 4. That from and after the passage of this act, the qualified citizens of said borough shall, on the same day that the several townships in the several counties of this commonwealth hold their township elections, elect one inspector, one assessor and two assistant assessors, and the commissioners of said county shall hereafter appoint a collector for said borough, separate and distinct from the township of Windsor, to collect their county taxes, as all other townships

Inspectors &
assessors.

Collector.

Windsor t'p in this commonwealth ; and that the township of Windsor to be disconnected shall hereafter be disconnected from the said borough with nected from all their township business of every description whatever ; the borough. the present year the election for borough officers shall be held Time of holding borough election the present year. on the third Friday in April, who shall serve until an election takes place agreeably to this section.

SECTION 5. The borough of Hamburg in the county of Berks, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the public house of Joseph Shomo in the said borough.

SECTION 6. That the village of New Brighton, in the county of Beaver, shall be and the same is hereby erected into a borough, which shall be called the borough of New Brighton, and shall be bounded and limited as follows, to wit : beginning at the east bank of the Big Beaver river on the south line of tract number ninety-one in Daniel Lect's district of depreciation lands, thence, along said line, north eighty-seven and a half degrees east seventy-seven perches to a post, thence, across tracts number ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, north eight and a half degrees west five hundred and forty-six perches to a white oak, on the line between tracts number ninety-five and ninety-six, thence south eighty-seven and a half degrees west one hundred and fifty-three perches to Big Beaver river, thence, down said river, south twenty and one fourth degrees west fifty-seven perches, thence south thirty-eight degrees west ninety-one perches, thence south four degrees west thirty-eight perches, thence south twenty-one and a half degrees east thirty-seven and a half perches, thence south forty-one degrees east one hundred and thirty-seven perches, thence south forty-three degrees west eighty-two perches, thence south twenty-four degrees east one hundred and five perches, thence south twenty-one degrees east ninety-eight perches, following the meandering of the Big Beaver river, to the place of beginning.

Annual election.

SECTION 7. That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the second Tuesday of May next, to meet at the brick school house in the said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and then and there, between the hours of one and six in the afternoon, elect, by ballot, one respectable

citizen residing therein who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and seven citizens to be a town council, and shall also elect, as aforesaid, one citizen as high constable, all of whom shall be residents of said borough; but previous to the opening of said election such of the inhabitants as are pre-Mode of con-
 sent at the said place of election shall elect two citizens as ducting the
 judges, one as inspector and two as clerks of the said elec- election.
 tion, which shall be regulated and conducted throughout ac-
 cording to the general election laws of this commonwealth,
 and who shall be subject to the same penalties as for mal-prac-
 tices as by the said laws are imposed; and the said judges,
 inspector and clerks, before they enter on the duties of their
 respective offices, shall take an oath or affirmation before
 any justice of the peace of the said county, to perform the
 same with fidelity, and after the said election shall be closed,
 shall declare the persons having the greatest number of
 votes to be duly elected; and in case any two or more can-
 didates should have an equal number of votes, the preference
 shall be determined by lot, to be drawn by the two judges in
 the presence of the inspector and clerks, whereupon dupli-
 cate certificates of said election shall be signed by the said
 judges, one of which shall be transmitted to the person elect-
 ed chief burgess, and the other filed among the records of
 the corporation; and it shall be the duty of the high constable
 for the preceding year, to give notice in writing to each
 of the persons so elected as aforesaid, and in case of the death,
 resignation, removal or refusal to accept of any of the said
 offices, or if it should at any time happen that no election
 should be holden on the day and in the manner aforesaid, the
 corporation shall not on that account be dissolved, but the
 chief burgess, or in his absence or inability to act, the assis-
 tant burgess, shall issue his precept, directed to the high con-
 stable, to hold an election, in the manner aforesaid, to supply
 such vacancy, giving at least eight days notice by six ad-
 vertisements set up in the most public places in said borough:
Provided, That the citizens of said borough shall be entitled
 to vote at the first election, although they shall have paid no
 borough tax.

Neglect to
 hold election
 not to dis-
 solve the
 corporation:

Proviso.

SECTION 8. That from and after the second Tuesday in Name, style
 May next, the chief burgess, assistant burgess and town and title.
 council, duly elected as aforesaid, and their successors, shall
 be one body politic and corporate, by the name and style of
 the Chief Burgess, Assistant Burgess and Town Council of Powers.
 the borough of New Brighton, and shall have perpetual suc-
 cession, and the said chief burgess and town council, and
 their successors, shall be capable in law to have, get,

receive, hold and possess goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to grant, sell, let and assign the same goods and chattels, lands and tenements, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter, until it be otherwise directed by law.

Penalty for neglecting or refusing to perform official duties.

SECTION 9. That if any person duly elected chief burgess, assistant burgess, member of the town council or high constable, as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office shall neglect to discharge the same according to law, every person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of said corporation, and shall be recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of the commonwealth, and shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving the money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Meetings of the town council.

Quorum.

Powers of the town council.

SECTION 10. That the town council shall meet on the first Saturday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings, and it shall be the duty of said council, five of whom shall be a quorum, to hold quarterly meetings on the third Saturday in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may enact, alter, revise, repeal and amend all such by-laws, rules, regulations and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, digging of public wells, ascertaining the depth of vaults, sinks and pits for necessary houses, and

making permanent rules relative to the foundations of buildings, party walls and fences; they shall assess, apportion and appropriate such taxes as shall be determined, by a majority of them, necessary for carrying the said rules and ordinances, from time to time, into complete effect, and be exonerated from the payment of all taxes that may be assessed by the township of New Sewickley for property within the borough limits, and also to appoint a town clerk, treasurer, street commissioner, clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office: *Provided*, That no by-laws, rules or ordinances of the corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be punished for the breach of a by-law or ordinance of the said corporation until ten days shall have expired after the promulgation thereof, by at least three advertisements set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three fourths of the taxable inhabitants of said borough shall approve and certify the same in writing, under their hands and seals, to the town council, who shall proceed to assess the same accordingly: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable shall enter on the duties of their respective offices, shall take and subscribe an oath or affirmation, before any justice of the peace of said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

SECTION 11. That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess, is hereby authorized to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer, and the said chief burgess, or in his absence or inability to act, the assistant burgess, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatever else shall be enjoined on him or them for the well ordering

Appointm't
of officers.

Proviso.

2d Proviso.

3d Proviso.

Collection of
taxes.

and governing the said borough, and shall also have power to mitigate or remit fines and forfeitures, in all cases when it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

SECTION 12. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the duties of clerk thereto, and to keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of the duties which may be enjoined upon him by virtue of this act or by the by-laws and ordinances of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECTION 13. That the treasurer shall give sufficient security for the faithful performance of the duties of his office, and for the delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

SECTION 14. That the street commissioner, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall, in the month of May, yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled shall be forthwith published by the council, showing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the amount of expenditures.

SECTION 15. That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal, and, prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no power, as such, than to determine the justness of the apportionment of said tax, but may remedy any grievance that may occur in imposing the same.

SECTION 16. That it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see the election is opened in time and in the manner directed by this act: *Provided*, That the constable of the township of New Sewickley, for the time being, shall publish and superintend the election to be held on the second Tuesday in May next, as hereinbefore directed.

SECTION 17. That the town council shall, from time to time, fix the compensation of the high constable, town clerk, Compensation of officers. treasurer, clerk of the market, and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury, by orders drawn thereon, signed by the president of the council, and shall not be increased or diminished during the time which said officers were appointed respectively : *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall, for the same, forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service : *And provided also*, That no person, appointed as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years. Proviso.

SECTION 18. That if any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of Common Pleas, to be held for the said county, upon giving security according to law to prosecute his, her or their appeal with effect, and the said court, having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive. Right of appeal to the court of Com. Pleas.

SECTION 19. That the said borough of New Brighton shall constitute a separate township, to all intents and purposes, and it shall and may be lawful for the citizens thereof to elect assessors, overseers of the poor, and all other officers to the assessing and collecting county rates and levies, and the collection and application of road taxes and otherwise, incident to a separate township, as fully and effectually as the citizens of any of the townships of this commonwealth may or can do now by law : *Provided*, That nothing herein contained shall be so construed as to alter or interfere with the mode of electing a constable for said borough, as hereinbefore provided. The borough to be a separate township, &c. Proviso.

SECTION 20. That the corporate title of the borough of Northampton, in the county of Lehigh, as established by the act entitled An act to erect the town of Northampton, in the county of Northampton, into a borough, be and the same is hereby changed to the borough of Allentown, by which name it shall have, possess, hold, exercise and enjoy all the rights, privileges and immunities which it possesses, holds, exercises and enjoys under the corporate title by which it is designated in the original act, passed the eighteenth day of March, one thousand eight hundred and eleven. Name of the borough of Northampton changed to Allentown.

SECTION 21. That it shall and may be lawful for the qualified voters of the said borough, at their next election for borough officers, to elect, in the same manner as is now provided for by this act, ten instead of five qualified citizens as members of the town council, five of whom shall serve until the first Monday in April, one thousand eight hundred and thirty-nine, five until the first Monday in April, one thousand eight hundred and forty, the time of service among whom shall be decided by lot, immediately after their election, and on the first Monday of April, one thousand eight hundred and thirty-nine, and annually thereafter, the qualified voters of the borough, aforesaid, shall elect, by ballot, five citizens qualified as aforesaid, to serve as members of the said council for the term of two years, and until others are duly elected, and it shall and may be lawful for the said citizens to elect two overseers of the poor, in like manner and at the same time and place as the other officers of the said borough are now elected, one of whom shall serve until the first Monday in April, eighteen hundred and thirty-nine, the others to serve until the first Monday in April, eighteen hundred and forty, and their time of service to be decided by lot, and one thereof to be elected annually thereafter.

SECTION 22. That the election for borough officers, in the said borough of Allentown, shall be holden, after the next annual election, on the first Monday in April, one thousand eight hundred and thirty-nine, instead of the first Monday in May as at present provided for, and annually thereafter, at such place as the council may direct, and until a town house shall be erected.

SECTION 23. The poor tax hereafter to be levied and assessed in said borough, shall be levied and assessed in the same manner as the borough tax is at present levied and assessed, and the high constable of the said borough of Allentown shall be, and he is hereby made the sole collector of all the borough taxes which may be levied and assessed at any time hereafter, and he is hereby required to give bail in such sum and to such amount as the town council shall require.

SECTION 24. All monies collected from taxes shall be paid into the hands of the treasurer, who shall give bail in such sums and to such amount as the town council may from time to time require, and all the provisions of any former act, inconsistent herewith, be and the same is hereby repealed.

SECTION 25. That the Board of Health of Philadelphia, be and they are hereby authorized, if under all the circumstances of the case they shall consider it equitable and proper, to refund to Tristram B. Freeman, the sum, without

interest, paid by him in the year eighteen hundred, for amount of security entered by James Philips for appearance of Robert Hardwick, forfeited.

SECTION 26. That no ship or vessel, arriving from any port in the United States at the port of Philadelphia, shall be subject to detention at the Lazaretto, unless the Board of Health and Board of Wardens, in joint meeting, shall have determined that the port or place is infected with malignant contagious disease: *Provided further*, That the Board of Wardens of the port of Philadelphia shall, from time to time, regulate the fees to be paid to the health office and harbor master: *Provided further*, That the boats and vessels passing thro' the Raritan canal, and Delaware and Chesapeake canal, shall not be subjected to any fee whatever, any law to the contrary notwithstanding.

SECTION 27. That the act entitled An act to erect the village of Oxford, in the county of Chester, into a borough, passed the eighth day of April, Anno Domini eighteen hundred and thirty three, be and the same is hereby revived and continued, and it shall be lawful for the citizens of the aforesaid village of Oxford, to meet at the public house of William Rutherford in said village, on the second Friday in May next, and proceed to elect borough officers, and otherwise to organize said borough, under the provisions of the aforesaid act.

SECTION 28. That the town of Manheim, in the county of Lancaster, shall be and the same is hereby erected into a borough, which shall be called the borough of Manheim, and shall be bounded and limited as follows, to wit: beginning at a post on the bank of Samuel Lehman's tail race, south thirty-one degrees east twenty-four perches along said race to a locust tree on Bealer's land, south four degrees west to the end of said race where the same empties into Chiques creek, thence down said creek the several meanderings thereof, one hundred and fifty-two perches to a post near said creek, thence, by land of Daniel Well, north twenty-nine degrees west twenty-eight and eight-tenth perches to a post, thence, by land of Henry Hershey, north eight degrees west twenty-four perches to a hickory, by the same north twenty-four degrees west one hundred and thirty-seven and eight-tenth perches to High-street, and along said street, north sixty-three degrees east nineteen and four-tenth perches to out lot of Jonas White, thence, by land of Jacob Shoemaker, north thirty-eight degrees west forty-six perches to a post, thence, by land of John Lehman, north fifty-three degrees east twenty-one perches to a post, by the same, north thirty-eight degrees west sixty-eight perches to the public road

Relative to
detention of
vessels from
any port in
the U. S.

Proviso.

2nd Proviso.

Oxford vil-
lage in Ches-
ter co.
Act erecting
it into a
borough.
revived.

Bounds and
limits.

leading from Manheim to Elizabethtown, along said road north fifty-three degrees east one hundred and fifty-seven perches to a post at Daniel Brand's land, thence, by the same, south thirty-eight degrees east twenty-four perches and four-tenths to a post on Long alley, thence, by lands of said Daniel Brandt, north fifty-three degrees east fifty-three and seven-tenth perches to a post and corner of lot of John Bealer, south thirty-six degrees east fourteen perches to a post near the bank of Hostetter's mill-race, thence, south eleven one-half degrees east thirty-four perches to a post on lot of Henry Eby, thence, along division line of out lots and said race, south thirty-four degrees east fifty-six perches to corner of S. Deyer's out-lot, thence, along lots of said Deyer, south fifty-three degrees west twenty-six perches to Long alley, along said alley south thirty-eight degrees east forty-five perches to a post and corner of Miller's lot, south twenty-five degrees west thirty-four perches to a post near the bank of Hostetter's tail race, south, along the bank of said race and crossing Lehman's tail race, fifty-nine perches to place of beginning.

First election of burgess and council.
Time and place.

Mode of conducting the election.

Vacancies.

SECTION 29. The inhabitants of said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the first Friday in May next, meet at the German school house in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one citizen who shall be styled burgess, six citizens who shall be a council, all of whom shall be inhabitants of the said borough; but previously to opening the said election, or any subsequent election held in pursuance of the provisions of this act, such of the inhabitants who may be present at the said German school house shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed, and the said judges, inspectors and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before a justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed shall declare the persons having the greatest number of votes to be duly elected, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation, and in case of death, resignation

removal or refusal to accept of any of the said offices, ^{How sup-} a new election shall be held for the purpose of supplying ^{plied.} such vacancy in the manner hereinafter provided.

SECTION 30. On the Tuesday next after the said election the members of the council, elected as aforesaid, shall be ^{Council to} convened at the said German school house in said borough, ^{be divided,} by order of the burgess, and then and there shall, by lot, ^{into three} divide themselves into three classes, and the seats of mem- ^{classes.} bers of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third at the expiration of the third year, counting the year as commencing for corporate purposes on the second Tuesday in May.

SECTION 31. The inhabitants of said borough, entitled to ^{Annual elec-} vote as aforesaid, shall, on the third Saturday in March next ^{tion.} ensuing the election aforesaid, and on the same day in every year thereafter, meet at the German school house in said borough, or at other convenient place in said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and elect, in the manner aforesaid, one burgess and two members of the council, to supply the place of the members of the council vacated in manner hereinbefore mentioned, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation, and in case of death, resignation, removal or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess, or in his absence or inability or refusal to act, any member of the council, shall issue his precept directed to the high constable to hold an ^{Vacancies,} election, in manner aforesaid, to supply such vacancy, ^{how supplied} giving at least ten days notice of such election by five advertisements set up in the most public places within the same, and in the meantime the officers of the said borough elected for the last year shall continue, to all intents and purposes, to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

SECTION 32. From and after the Tuesday next after the ^{Name, style} first Friday in May next, the burgess and council duly elect- ^{and title of} ed, as aforesaid, and their successors, shall be one body ^{the corpora-} politic and corporate, by the name and style of the Burgess ^{tion.} and Town Council of the borough of Manheim, in the county of Lancaster, and shall have perpetual succession, and

Powers. shall be capable in law to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let, and assign the same goods, chattels, lands, tenements, hereditaments and rents, and, by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same, from time to time at their will to change and alter.

Seal.

Penalty for refusing to perform official duties. SECTION 33. If any person duly elected as burgess, member of the council as aforesaid, and having received notice thereof as is directed by this act, shall refuse or neglect to take upon himself the duties of the said office, or shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal amount are or shall be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided further,* That no person, elected as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Officers to be sworn or affirmed. SECTION 34. The burgess, members of council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a justice of the peace of said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity, and the certificate of such oath or affirmation shall be recorded among the records of the corporation.

Meetings of the burgess and town council. SECTION 35. It shall be the duty of the burgess and town council to meet as often as occasion may require, at which meetings the burgess shall preside, and, in case of an equal division of the council, give the casting vote, and four members of the council shall constitute a quorum to transact business, and the said burgess and council shall have power, at such meetings, to ordain and enact, revise, repeal and

Quorum.

Powers.

amend all such ordinances, by-laws, rules and regulations as shall be deemed expedient, to promote the peace, good order, benefit and accommodation of the citizens of said borough, particularly of providing for the regulations of the markets, Regulations improving, repairing and keeping in good order the streets, of markets. lanes, alleys and highways, and removing nuisances and ob- streets, &c. structions therefrom, to designate the width of side-walks, to regulate the depth of vaults, sinks, drains, pits for privies, make permanent rules for the foundations of buildings and party walls, regulate the fences, side posts and railings along the streets, to impose fines and penalties incurring partial or total forfeitures, and to require and compel the owners of houses, stores, work-shops, stables, buildings and lots, to pave the side-walks in front of their respective houses, stores, work-shops, stables, buildings and lots on such streets, and with such materials as shall, by the town council, be deemed necessary and expedient, and the same to keep in repair, and to prohibit the exhibition of plays, shows, moun- Plays, shows, tebanks, jugglers and all and every other exhibition, under mounte- such restrictions, fines and penalties as the same burgess banks, &c. and council shall direct; and to require and compel the inhabitants of the said borough to clean the chimneys and stove Chimneys & stove pipes. pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and council may regulate and direct; and also to require and compel the owners of all houses, stores, and work-shops, in the said borough, to provide and keep in good order such number of Fire buckets. leather fire buckets, in proportion as the assessed value of the property owned, as the burgess and council may direct, and the burgess and council shall have power and authority, to form and organize as many fire companies of the citizens of said borough as there are or shall be engines belonging to said borough, of such of the citizens as will become voluntary members thereto, which fire companies shall be subject Fire Co's. to rules and regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and town council, and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes as Taxes. shall be by them deemed necessary for repairing the streets, lanes and alleys, and for carrying the by-laws, ordinances, rules and regulations, and object of general utility into complete effect; and all by-laws, ordinances, rules and regulations, shall be signed by the burgesses and attested by the town clerk, and entered in the records of the corporation, Supervisors, and also to appoint, annually, one or more street supervisors, town clerk, a town clerk, a treasurer, and such other officers as may for treasurer, &c

- the time be deemed necessary, and the same officers from time to time remove: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation, shall be repugnant to the constitution or laws of the United States nor of this state, and that no by-law, ordinance, rule or regulation shall be carried into operation, until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at foot or margin of such by-laws, ordinances, rules and regulations, and such certificate shall be good evidence in all trials arising from or touching the said by-laws, rules and regulations: *And provided also*, That in laying and assessing such taxes, due regard should be had to the valuation of taxable property assessed, or hereafter to be assessed, for the purpose of raising county rates and levies, so that the tax shall not, in any one year, exceed one half cent in the dollar in such valuation, unless some object of general utility should require the same, in which case, the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing to the town council, who shall proceed to assess the same accordingly: *And provided further*, That all out-lots, farming lots and lands included within the limits of the said borough, shall not be subject to higher taxation, in each and every year, than the ratio laid or assessed by the township of Raphoe for roads and public highways.
- 2d Proviso.
- 3d Proviso.

Duty of supervisors.

SECTION 36. It shall be the duty of the street supervisors to open and repair the streets, lanes and alleys in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges, as are or shall be considered private property and used as such.

Taxes to be collected & paid over to the treas'r., how and by whom.

SECTION 37. The burgess, elected and qualified agreeably the provisions of this act, or in case of his absence or inability to act, the first named in the list of the council, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act or by the by-laws, the ordinances, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer, and the said constable or other fit person shall have the same power, in enforcing the collection of said tax, as the collectors of county tax in this commonwealth, and be subject to like rules for due payment and

exonerations of the same, and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess and council, and whatsoever else shall be enjoined upon him for the well ordering and governing of said borough, and the said burgess shall also have power to mitigate or remit fines and forfeitures, in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactory proved to the said burgess. Fines & forfeitures.

SECTION 38. It shall be the duty of the town clerk to attend all sessions of the burgess and town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined on him by virtue of this act, and the acts of the corporation; and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified. Duties of the town clerk.

SECTION 39. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and all monies remaining in his hands into the hands of his successor, upon demand made for that purpose, and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all monies he may collect by virtue of said office, and also in pursuance of any precept that may be issued to him by the said burgess for the collection of any taxes, fines, penalties and forfeitures, and for his services the said high constable shall be allowed such fees and compensations as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of township constables aforesaid: Treasurer & high constable.
Provided, That this act shall not be so construed as to prevent the said burgess and council from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation. Proviso.

SECTION 40. It shall be the duty of the high constable to give notice of the annual elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto, and he shall attend and see that the election is opened at the time and in the manner directed by this act. Notice of annual elections to be given.

SECTION 41. That the said burgess and town council shall,

Compensation of officers. from time to time, affix the compensation of the high constable, town clerk, treasurer and such other officers as may be appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered, as the said burgess and town council may from time to time provide for and direct.

How money is to be drawn from the treasury. SECTION 42. That no money to be drawn from the treasury but by authority of the council, on orders signed by the burgess, and attested by the town clerk; it shall be the duty of the burgess and town council to settle the account of the several officers, and cause a fair statement to be made, showing the amount of receipts into the treasury and how the same has been expended, to be published every year, in the month of March, and before the annual elections, by setting up at least three copies thereof in the most public places within the borough.

Accounts to be settled & published annually. SECTION 43. That any person, appointed to any office by the burgess and town council, who shall refuse or neglect to take upon himself the duties of the office to which he may have been appointed, or having taken upon himself the same and shall neglect his duty, shall forfeit and pay for every such offence the sum of five dollars.

Penalty for refusing to perform official duties. SECTION 44. The burgess, and first named on the list of council, and treasurer, or any two of them, shall constitute a court of appeal, and, prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other as such than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of appeal. Proviso. SECTION 45. It shall be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Manheim, at the time and place where they vote for said officers, and on third Saturday in March next, and annually thereafter, at the election for officers of said borough, to elect two reputable citizens of said borough and return the names of the persons so elected to the next court of Quarter Sessions of the peace of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like powers and authority, and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the law existing or may hereafter be passed concerning constables within this commonwealth, and shall serve and execute all manner of process which may by law be directed to the constable of said borough, and the

Annual election of constable.

constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act and by-laws and ordinances of said borough, notice of such election shall be given as is provided in this act. His duties.

SECTION 46. That nothing contained in this act shall in any manner interfere with the election, appointment or jurisdiction of the assessors, inspector of general election and school directors of Raphoe township, but the same shall remain in all and every respect as if this act had not been passed, nor shall it be construed to interfere in any manner with any election or school district, but the same shall be and remain as heretofore, nor shall it in any manner interfere with the assessment and collection of county rates and levies, and school tax, and the assessment and collection thereof, but the same shall be proceeded in as if this act had not been passed. Not to interfere with certain officers of Raphoe township, &c.

SECTION 47. That from and after the second Tuesday in May, one thousand eight hundred and thirty-eight, the supervisors of Raphoe township shall cease to have any jurisdiction within the borough, except so far as to collect any taxes that may then be due and owing them from the inhabitants of the said borough. Jurisdiction of super- visors to cease, &c.

SECTION 48. If any person shall think him, her or themselves aggrieved by any thing done in pursuance of this act, of any by-law or ordinance made under the authority of the same, he, she or they may appeal to the next court of Common Pleas to be held for the said county, upon giving surety according to law to prosecute his, her or their appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall bind all parties. Right of appeal to court of Common Pleas.

SECTION 49. The inhabitants of said borough, and persons holding property therein, shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation. Who shall be competent witnesses.

SECTION 50. From and after the passage of this act, the act An act to provide for the election of constables in the borough of Strasburg and the village of Manheim, in the county of Lancaster, passed the twenty-seventh day of February, one thousand eight hundred and twenty-two, so far as the same relates to election of constable by the citizens of the village of Manheim, be and the same is hereby repealed. Part of the act of 27th Feb., 1822, repealed.

SECTION 51. That Henry Shacpneck, of the county of Greene, be and he is hereby authorized to erect a mill dam

II. Shap- neck autho- rized to erect a mill dam in the Mononghela river. in the Monongahela river, at his mill in Cumberland town- ship, in said county, of the same height, and in the same manner, and under the same terms as is required by the sixteenth section of the act of the thirty-first day of March, one thousand eight hundred and thirty-six, entitled "An act to authorize the Governor to incorporate a company to make a lock navigation on the river Monongahela.

Diligent Fire Engine Co.; real estate exempt from taxation. SECTION 52. That the real estate of the Diligent Fire En- gine company of Philadelphia, situate at the south west cor- ner of Filbert and Tenth streets, in the city of Philadelphia, be and the same is hereby exempted from county, poor and corporation taxes for twenty years, and no longer: *Provi- ded*, The same shall be so long owned by said company.

Phil. Society for Charity Schools— exempt from taxation. SECTION 53. That the real estate owned by the Philadel- phia Society for the establishment and support of Charity Schools, within the city and county of Philadelphia, be and the same is hereby exempted from the payment of city, county, poor, road and corporation taxes.

Act relative to the boro' of Norrist'n, repealed. SECTION 54. That the twelfth section of the act entitled "A further supplement to the act entitled an act incorpo- rating the Marietta, Bainbridge, Falmouth and Portsmouth Turnpike Road company, passed the fourth day of April, one thousand eight hundred and thirty-seven, be and the same is hereby repealed.

New Bright- ton Water comp'y in- corporated. SECTION 55. That Abel W. Townsend, Benjamin Bedi- son, James Erwin, Levi McConnel, Talbot Townsend, Henry F. Slaymaker, Francis A. Houlette, Simon McNair, and all such other persons as may be associated with them, and their successors, be and they are hereby declared to be a body politic and corporate, in law and in fact, by the name, style and title of the New Brighton Water company, in the county of Beaver, and by the name, style and title afore- said, shall have power to have and enjoy all the usual and necessary powers of bodies politic and corporate.

By and to whom pro- portion of ex- penses to be paid. SECTION 56. That each and every member of the com- pany, or their heirs and successors, shall pay to the trustees or directors for the time being, his, her or their proportion of all expenses incurred, or to be incurred by the trustees or directors hereinafter mentioned, in such manner as the company at their annual meetings shall from time to time direct; they shall also, at their own expense, keep the race or water course open through their respective lots, in such manner as to give the greatest fall the ground will admit of.

Water course to be kept open. SECTION 57. That the general meetings of the company shall be held on the last Saturday in December, annually; of the time and place of holding said meetings it shall be the duty of the trustees, or directors for the time being, to give

Gen'l meet- ings to be held annu'ly.

timely notice to each and every member, but in case it should happen, at any time, that an election of directors should not be made upon the day when, pursuant to this act, it should have been made, the corporation shall not on that account be deemed and taken to be dissolved, but it shall and may be lawful, on any day within thirty days thereafter, to hold and make an election of trustees or directors, in such manner as shall be regulated by the by-laws and ordinances of the corporation; and in case of death of any one of the trustees or directors, or of his resignation, his place may be filled, for the remainder of the year, in such manner as the ordinances of the said corporation shall for that purpose direct.

Relative to
election of
directors.

Vacancies. }

SECTION 58. The votes of the stockholders for trustees or directors shall be by ballot, and for the election of trustees or directors, and for the deciding of all questions in the general meetings of the stockholders the ratio of votes shall be as follows, to wit: a stockholder having three shares or less, one vote; four shares and not more than seven, two votes; eight and not more than twelve, three votes; thirteen and upwards, four votes; but no stockholder shall be entitled in his own right or as a proxy to a greater number than four votes, nor shall any stockholder vote at any election for directors or trustees, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name, on the books of said corporation; for at least two months previous to said election.

Ratio of
votes.

SECTION 59. That at the said annual meeting the members present shall elect, by ballot, three of their number trustees or directors for one year, who shall examine the accounts of the trustees and directors of the preceding year, and allow such as to them shall appear just and reasonable, subject, nevertheless, in case of disagreement between the trustees or directors and the company, to the arbitration of disinterested persons, to be mutually agreed upon between the parties; but if the parties cannot agree in the choice of such arbitrator, they are to be nominated by the nearest justice of the peace, not interested, at the request of either party, and to make all such ordinances and by-laws for the regulation of the company as to them shall appear necessary: *Provided*, such rules, ordinances and by-laws shall not be repugnant to the constitution of the United States, or the constitution and laws of this commonwealth.

Annual elec-
tion.
Accounts—
how to be
examined &
allowed.

Proviso.

SECTION 60. That Abel W. Townsend, Francis Houlette, and Simon McNair, are hereby appointed trustees until the election in December next, who, and their successors duly elected according to this act, shall attend to the dam, race and

Trustees
appointed.

Their duties water course, and regulate the gates and sluices owned by said company, their successors or assigns, at the lower falls of Beaver river, in Beaver county, and keep them in repair; shall ascertain the expense and apportion the same among the members, and, until it shall be otherwise ordered and directed by the company, they shall call on each member to make out his or their portion of the expenses: *Provided*, The nature of the work and the urgency of the case will admit; and in case of the neglect or refusal of any member to remove obstructions and perform the work required, the trustees or directors aforesaid may sue for and recover the same, and all other monies which shall become due to the company, as other debts of the same amount are recoverable.

LEWIS DEWART,
Speaker of the House of Representatives.
CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 93.

An Act

To declare Wooden Bridge creek, in Bedford county, a public highway, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Wooden Bridge creek, in the county of Bedford, from the mouth thereof and up the said stream as far as Huston's saw mill, Elk creek, in the county of Jefferson, from the mouth thereof up the said stream to the mills of Washburn and Clover, and Mill creek, in Jefferson county, from the mouth thereof to Burtoff road, and Turtle creek in Allegheny county from the mouth thereof up the said stream as far as Brush creek, in Westmoreland county, Little Clearfield creek in the county of Clearfield, commencing at its junction with Big Clearfield creek to the first fork of the said Little Clearfield creek, south west from William Dunlop's

Wooden
Bridge Cr'k.
and certain
other str'ams
declared
public high-
ways.

and the Raystown branch of the Juniata, from Morrison's mills in said county, up the same to the mouth of Buffalo run, thence up the same to the mouth of Sulphur Spring run in same county, be and the same are hereby declared public highways, and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said streams, to remove thereout all obstructions, except mill dams already built, on which dams any such person or persons, as aforesaid, shall have full power to make such slopes as may be necessary, and to keep the same in repair for the passage of boats, rafts and other crafts descending said stream: *Provided*, Such slopes shall not injure Proviso. said dams.

SECTION 2. Nothing contained in this act shall be deemed, taken or understood to prevent any person or persons owning or possessing lands on or adjoining said creeks, who, independent of the passage of this act, would have a right, under the general laws of this commonwealth, to erect a dam or dams across the said streams, from erecting such dam or dams: *Provided nevertheless*, That every such dam or Dams may be erected. dams be constructed with a proper slope or slopes, erected in the most convenient parts thereof, so that boats, rafts and other crafts may not be obstructed. Proviso.

SECTION 3. That from and after the passage of this act it shall and may be lawful for the electors of the borough of Tamaqua, in the county of Schuylkill, to elect on the fifth day of May next, and annually thereafter, on the day of electing constables in the several townships throughout this commonwealth, at their usual place of electing borough officers, two qualified citizens for constable, one of whom shall be appointed to serve as constable for said borough, subject to the same rules and regulations as constables are now by law regulated. Borough of Tamaqua, Schuyl' co. authorized to elect constables.

SECTION 4. That the town of Saltsburg, in the county of Saltsburg, Indiana, shall be and the same is hereby erected into a borough, which shall be called the borough of Saltsburg, and erected into shall be bounded and limited as follows, to wit: commencing Indiana co. a borough. at a post on the bank of the Kiskeminetas, running two hundred and sixty feet south twelve degrees west, thence along said river one thousand and thirty feet, south twenty-six degrees west, to the Conemaugh river, thence, along said river, five hundred feet, south seventeen degrees east, and thence, along said river, five hundred and ninety-five feet, south thirty-seven and a half degrees, thence, along said river, three hundred and seventy feet, south fifty-six degrees east, thence nine hundred and twenty feet, north seventy-three degrees east to a post, thence four hundred and Bounds and limits.

seventy feet, north seventeen degrees west to a post, thence one hundred and seventy feet, north seventy-three degrees east to a post, thence three hundred and twenty feet, north seventeen degrees west to a post, thence one hundred and forty feet, north seventy three degrees east to a post, thence eleven hundred and ninety feet, north seventeen degrees west to a post, thence seven hundred and sixty feet, south seventy-three degrees west to a post, thence thirty feet, north seventeen degrees west to a post, thence two hundred feet, north twelve degrees east to a post, thence two hundred and sixty feet, north seventy-eight degrees west to the place of beginning.

SECTION 5. The inhabitants of said borough entitled to vote for members of the general assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the first Friday in May next, meet at the school house in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one citizen who shall be styled burgess, and one citizen who shall be styled assistant burgess, six citizens who shall be a council, all of whom shall be inhabitants of the said borough, but previously to opening the said election or any subsequent election, held in pursuance of the provisions of this act, such of the inhabitants who may be present at the said school house shall elect two citizens as judges, one as inspector and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed; and the said judges, inspectors and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation, before a justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed shall declare the persons having the greatest number of votes to be duly elected, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation, and in case of death, resignation, removal or refusal to accept of any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided.

SECTION 6. On the Tuesday next after the said election, the members of the council, elected as aforesaid, shall be convened at the said school house, in said borough, by order

First electiⁿ
of burgesses
and council.
Time and
place.

Manner of
conducting
elections.

Vacancies—
how suppli^d

Council to
be divided
into three
classes.

of the burgess, and then and there shall, by lot, divide themselves into three classes, and the seats of members of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third at the expiration of the third year, counting the year as commencing for corporate purposes on the second Tuesday in May.

SECTION 7. The inhabitants of said borough, entitled to Annual election. vote as aforesaid, shall, on the third Saturday in March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the school house in said borough, or at other convenient place in said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and elect, in the manner aforesaid, one burgess and one assistant burgess, and two members of the council, to supply the place of the members of the council vacated, in manner hereinbefore mentioned, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation, and in case of death, resignation, removal or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess, or in his absence or inability or refusal to act, any member of the council, shall issue his precept, directed to the high constable, to hold an election, in manner aforesaid, to supply Vacancies—how suppl'd such vacancy, giving at least ten days notice of such election, by five advertisements set up in the most public places within the same, and in the meantime the officers of the said borough, elected for the last year, shall continue, to all intents and purposes, to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

SECTION 8. From and after the Tuesday next after the first Friday in May next, the burgess and assistant burgess Name style and council, duly elected as aforesaid, and their successors, and title of shall be one body politic and corporate, by the name and the corporate style of the Burgess and Town Council of the borough of Powers. Saltsburg, in the county of Indiana, and shall have perpetual succession, and shall be capable in law, to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let and assign the same goods, chattels, lands, tenements, hereditaments

and rents, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time, at their will, to change and alter.

Seal

Penalty for refusing to perform official duties.

SECTION 9. If any person duly elected as burgess, assistant burgess, member of the council, as aforesaid, and having received notice thereof as is directed by this act, shall refuse or neglect to take upon himself the duties of the said office, or shall neglect to discharge the same according to law, every such person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal amount are or shall be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided further*, That no person elected, as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Officers to be sworn or affirmed.

SECTION 10. The burgess, members of council, and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a justice of the peace of said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity, and the certificate of such oath or affirmation shall be recorded among the records of the corporation.

Meetings of the burgess and town council.

SECTION 11. It shall be the duty of the burgess, or in his absence the assistant burgess, and town council, to meet as often as occasion may require, at which meetings the burgess or assistant burgess shall preside, and in case of an equal division of the council, give the casting vote; and four members of the council shall constitute a quorum to transact business, and the said burgess or assistant burgess and council, shall have power, at such meetings, to ordain and enact, revise, repeal and amend all such ordinances, by-laws, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough, particularly of providing for the regulations of the markets, improving, repairing and keeping in

Quorum.

Powers.

good order the streets, lanes, alleys and highways, & remo- Regulations
 ving nuisances and obstructions therefrom ; to designate the of markets
 width of side walks, to regulate the depth of vaults, sinks, and streets.
 drains, pits for privies ; make permanent rules for the foun-
 dations of buildings, and party walls ; regulate the fences,
 side posts and railings along the streets ; to impose fines and
 penalties incnrring partial or total forfeitures, and to require
 and compel the owners of houses, stores, work shops, stables,
 buildings and lots, to pave the side walks in front of their re-
 spective houses, stores, work shops, stables, buildings and
 lots, on such streets, and with such materials as shall by the
 town council be deemed necessary and expedient, and the same to keep in repair ; and to prohibit the exhibition of Plays, shows,
 plays, shows, mountebanks, jugglers and all and every other mounte-
 exhibition, under such restrictions, fines and penalties as banks, &c.
 the same burgess and council shall direct ; and to require
 and compel the inhabitants of the said borough to clean the
 chimneys and stove pipes, in the buildings used and occu- Chimneys &
 pied by them, in such manner and as often as the said bur- stove pipes.
 gress and council may regulate and direct ; and also to
 require and compel the owners of all houses, stores and
 work shops in the said borough, to provide and keep in good
 order such number of leather fire buckets, in proportion to Fire buckets
 the assessed value of the property owned, as the burgess and
 council may direct ; and the burgess and council shall have
 power and authority to form and organize as many fire com-
 panies of the citizens of said borough as there are or shall
 be engines belonging to said borough, of such of the citizens Fire compa-
 as will become voluntary members thereto, which fire com- nies.
 panies shall be subject to rules and regulations of a written
 constitution, which shall be signed by the members of said
 company or companies, and approved of by the burgess and
 town council ; and the said burgess and town council shall
 have power and authority to assess, apportion, raise and ap- Taxes.
 propriate such taxes as shall be by them deemed necessary
 for repairing the streets, lanes and alleys, and for carrying
 the by-laws, ordinances, rules and regulations and objects, of
 general utility into complete effect, and all by-laws, ordi-
 nances, rules and regulations shall be signed by the burgess
 and attested by the town clerk, and entered in the records
 of the corporation ; and also to appoint, annually, one or more Supervisors,
 street supervisors, a town clerk, a treasurer and such other town clerk,
 officers as may for the time be deemed necessary, and the same treasurer,
 officers, from time to time remove: *Provided*, That no by-law, &c.
 ordinance, rule or regulation of the said corporation shall be
 repugnant to the constitution or laws of the United States
 Proviso.

nor of this state, and that no by-law, ordinance, rule or regulation shall be carried into operation until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at foot or margin of such by-laws, ordinances, rules and regulations, and such certificate shall be good evidence in all trials arising from or touching the said by-laws, rules and regulations :

2d Proviso.

And provided also, That in laying and assessing such taxes due regard should be had to the valuation of taxable property assessed, or hereafter to be assessed, for the purpose of raising county rates and levies, so that the tax shall not, in any one year, exceed one half cent in the dollar in such valuation, unless some object of general utility should require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing to the town council, who shall proceed to assess the same accordingly: *And provided further*, That all out-lots, farming lots, and lands included within the limits of the said borough, shall not be subject to higher taxation in each and every year, than the ratio laid or assessed by the township of Conemaugh, for roads and public highways.

3d Proviso.

Duty of supervisors.

SECTION 12. It shall be the duty of the street supervisors to open and repair the streets, lanes and alleys in the said borough, and to erect and repair the bridges and causeways, in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges as are or shall be considered private property, and used as such.

Collection of taxes, &c.

SECTION 13. The burgess or assistant burgess, elected and qualified agreeably to the provisions of this act, or, in case of their absence or inability to act, the first named in the list of council, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or, in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, or by the by-laws, the ordinances, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer ; and the said constable or other fit person shall have the same power, in enforcing the collection of said tax, as the collectors of county tax in this commonwealth, and be subject to like rules for due payment and exonerations of the same ; and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess

and council, and whatsoever else shall be enjoined upon him, for the well ordering and governing of said borough; and the said burgess shall also have power to mitigate or remit fines and forfeitures, in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and and reasonable excuse, which excuse shall be satisfactory proved to the said burgess.

Remission of
fines & for-
feitures.

SECTION 14. It shall be the duty of the town clerk to attend all sessions of the burgess and town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also, for the faithful discharge of all the duties which may be enjoined on him by virtue of this act and the acts of the corporation; and the attestation of the said town clerk, with the seal of the corporation, shall, in all cases, be good evidence of the act or thing so certified.

Duties of
town clerk.

SECTION 15. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and all monies remaining in his hands into the hands of his successor, upon demand made for that purpose, and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all monies he may collect by virtue of his said office. and also, in pursuance of any precept that may be issued to him by the said burgess, for the collection of any taxes, fines, penalties and forfeitures, and for his services, the said high constable shall be allowed such fees and compensations as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of township constables aforesaid: *Provided*, That this act shall not be so construed as to prevent the said burgess and council from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation.

Treasurer to
give security
&c.

Proviso.

SECTION 16. It shall be the duty of the high constable to give notice of the annual elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto, and he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That James R. Johnston and Alexander White are appointed to hold the first election under this act.

Notice of
annual elec-
tion.

SECTION 17. That the said burgess and town council shall, from time to time, affix the compensation of the high

Compensation of officers. constable, town clerk, treasurer and such other officers as may be appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered, as the said burgess and town council may, from time to time, provide for and direct.

Accounts to be settled & published annually. SECTION 18. That no money to be drawn from the treasury but by authority of the council, on orders signed by the burgess and attested by the town clerk ; it shall be the duty of the burgess and town council to settle the account of the several officers, and cause a fair statement to be made, showing the amount of receipts into the treasury and how the same has been expended, to be published every year, in the month of March, and before the annual elections, by setting up at least three copies thereof in the most public places within the borough.

Penalty for neglecting to perform official duties. SECTION 19. That any person, appointed to any office by the burgess and town council, who shall refuse or neglect to take upon himself the duties of the office to which he may have been appointed, or having taken upon himself the same and shall neglect his duty, shall forfeit and pay, for every such offence, the sum of five dollars.

Court of appeal. SECTION 20. The burgess, assistant burgess, and first named on the list of council, and treasurer, or any three of them, shall constitute a court of appeal, and prior to the collection of any borough tax the collector shall inform each inhabitant of the amount of his tax and the time and place of appeal : *Provided nevertheless*, That the said court of appeal shall have no other, as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Proviso. SECTION 21. It shall be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Saltsburg, at the time and place where they vote for said officers, and on the third Saturday in March next, and annually thereafter, at the election for officers of said borough, to elect one reputable citizen of said borough who shall be high constable, and the constable so elected shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act and by-laws and ordinances of said borough ; notice of such election shall be given as is provided in this act.

Election of constable. SECTION 22. That nothing contained in this act shall in any manner interfere with the election, appointment or jurisdiction of the assessors, inspector of general election, and school directors of Conemaugh township, but the same shall remain, in all and every respect, as if this act had not been passed, nor shall it be construed to interfere in any manner

Not to interfere with certain officers of Conemaugh t'p, &c.

with any election or school district, but the same shall be and remain as heretofore, nor shall it in any manner interfere with the assessment and collection of county rates and levies and school tax, and the assessment and collection thereof, but the same shall be proceeded in as if this act had not been passed.

SECTION 23. That from and after the second Tuesday in Jurisdiction May next, the supervisors of Conemaugh township shall of supervi- cease to have any jurisdiction within the borough, except so sors to cease far as to collect any taxes that may then be due and owing &c. them from the inhabitants of the said borough.

SECTION 24. If any person shall think him, her or them- Right of selves aggrieved by any thing done in pursuance of this act, appeal to. or of any by-law or ordinance made under the authority of the same, he, she or they may appeal to the next court of Common Pleas to be held for the said county, upon giving surety, according to law, to prosecute his, her or their appeal with effect, and the said court, having taken such order therein as shall seem to them just and reasonable, the same shall bind all parties.

SECTION 25. The inhabitants of said borough and persons Who shall holding property therein, shall be competent witnesses in all be compe- actions arising under this act, or the by-laws and ordinances tent wit- of this corporation. nesses.

SECTION 26. That so much of the thirty-ninth section of Repeal of so the act entitled "An act to incorporate the Fire Insurance much of 39th Company of Upper and Lower Sancon townships, and for sec. of act of other purposes," passed the third day of May, Anno Domini 3d May, 1832 1832, as requires the owners of property in the township of as requires Moyamensing to pay for the laying of pipes on Passyunk property owners in road, for the introduction of the Schuylkill water, and for Moyamen- the paving of any portion of said road lying within the cor- sing t'p. to porate limits of the district of Southwark, be and the same pay for lay- ing pipes&c. is hereby repealed.

SECTION 27. That from and after the passing of this act, Tobyhanna Tobyhanna creek in the county of Monroe, from the river Creek in Lehigh to the junction of the Tunkhanna, be and the same Monroe co. is hereby declared a public highway, for the passage of rafts, declared a boats or other craft, and it shall and may be lawful for the public high- inhabitants desirous of using the navigation of said creek, to way. remove all natural and artificial obstructions from the bed or channel of said creek, as may be necessary for the passage of boats, rafts or other vessels: *Provided*, That any person or persons owning or possessing lands on said creek, shall have Proviso. liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly, passed the twenty-third March, one

thousand eight hundred and three, entitled An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills and other water works.

Towingpath **SECTION 28.** That from and after the first day of May from N. Liberty to Dunns-
town next ensuing, the towing path on the West Branch of the
in Lycoming Susquehanna canal, leading from New Liberty to Dunns-
co. declared town, in Lycoming county, be and the same is hereby de-
a public clared a public highway until otherwise ordered by law, and
highway. to be kept in repair in like manner with other public high-
ways, by the supervisor, and at the expense of Dunstable
township.

Business on **SECTION 29.** Nothing contained in this act shall be con-
the canal not strued so as to interfere with or obstruct, in any manner,
to be obstruc- the regular and ordinary operations of business on the West
ted. Branch canal, from New Liberty to Dunns-
town, by the pas-
sage of this act, and the use of the said towing path be under
the care and control of the supervisor of the West Branch
canal.

Borough of **SECTION 30.** That the citizens of the borough of Mead-
Meadville, ville, in the county of Crawford, may elect, annually, one
Crawford co. assistant burgess, who shall, in the absence or inability of
authorized to the burgess, or in case of vacancy in the office of burgess by
elect an as- resignation or otherwise, perform all the duties of the bur-
sistent bur- gess, and also such other duties as may be enjoined on him
gess. from time to time by the burgess and town council; he shall
His duties. attend the sessions of the burgess and town council, and be
counted as a member of the council in forming a quorum,
and shall be sworn or affirmed to discharge his duties with
fidelity as other borough officers now are, until the next an-
nual election; the burgess and town council may elect the
assistant burgess if they deem it expedient, and they shall
have power to fill any vacancy in said office, at any time,
occasioned by resignation, failure of citizens to elect or by
any other means, whenever they deem it necessary or exped-
ient.

High constable **SECTION 31.** The high constable of the said borough of
may be Meadville, may be removed from office for neglect of duty,
removed and in the manner prescribed by the 8th section of the act of as-
how. sembly, passed 29th March, 1823, incorporating said bo-
rough, and any vacancy in said office, by resignation, remo-
val or otherwise, may be filled by the burgess and town
council.

Vacancies. **SECTION 32.** That the board of managers of the Susque-
hanna Canal company, incorporated by the act to which this

is a supplement, shall have power to fill vacancies that may Susquehan- have occurred, or that may hereafter occur in the said board, na canal Co. by death, resignation or otherwise, by appointment, and the board of persons so appointed shall be members of the board till the managers next election by the stockholders; *Provided*, That not less than authorized to fill vacancies in their own body. seven members of the board concur in such appointment, and Quorum. any five members of the said board, the president being one, shall form a quorum for the transaction of the usual business thereof, and that the tolls charged for the transportation of lime, limestone, marl, or other minerals or manures, Tolls. shall be subject to the same rule as those charged upon coal, iron and lumber; and if the president and directors of the Rel. to an in- Tide Water Canal company, of Maryland, shall cause the crease of cap- capital stock of the said company to be increased, that in ital stock of that event the president and managers of the said Susque- the Tide hanna Canal company, shall have authority to subscribe and Water canal Co. of Md. pay for the same, or any part thereof, in such manner and form as may be authorized and required by law.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 94.

An Act

Regulating Election Districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of St. Clair township, Bedford co. Bedford county, shall hereafter hold their general elections St. Clair t'p. at the New Advent school house, near James Magrail's, in place of holding election said township.

SECTION 2. That the electors of Springfield township, in Huntingdon the county of Huntingdon, shall hereafter hold their general co. Springfield elections at the school house, at or near Hunter's mill, in said field t'p. township.

Union co. SECTION 3. That the township of East Buffaloe, in the
EastBuffaloe county of Union, shall hereafter be a separate election dis-
township. trict, and the electors thereof shall hold their general elec-
tions at the house now occupied by David Shaffer.

York co. Hel- SECTION 4. That the borough of Wrightsville, in Hellam
lam tp. made township, in the county of York, shall hereafter be a sepa-
school dist. rate assessment district, separate from the said township of
Hellam, and the citizens of the said borough are hereby au-
thorized to elect their assessor at the place for holding the
election for township officers, and the authority of said asses-
sor shall not extend further than the limits of said borough.

C. Schools. SECTION 5. That the school directors of the townships of
Elections for Abington and Upper Providence, and of the borough of Potts-
the accept'ce town, in the county of Montgomery, of the township of Latti-
or rejection more in the county of Adams, of the township of Toboyne in
of the law of the county of Perry, of the township of Hanover in the coun-
13th June, ty of Beaver, of the township of Lykens in the county of
1836, autho- Dauphin, and of the townships of Shamokin and Augusta in
rized to be the county of Northumberland, are hereby authorized and
held on the required to cause to be held, at the usual places of holding
1st Monday township elections in the said townships, elections on the
of June, 1838 first Monday in June next, for the purpose of taking the
in certain tps sense of the electors of the said townships upon the accep-
of cert'n cos. tance or rejection by the said townships of the act, passed
the thirteenth of June, eighteen hundred and thirty-six,
commonly called the School Law, and the said elections
shall be held in the same manner as is provided for in the
aforesaid act; and in the event of a majority of the electors
of the said townships, or either of them, determining at said
elections to accept of the provisions of said law, then the

Accept'g dts said townships so accepting shall be entitled to the same
entitled to portion of the school appropriation, which they would have
portion of ap- been entitled to had they accepted the said law at the elec-
propriation. tions held in said townships on the sixteenth of March,
eighteen hundred and thirty-eight, any thing in the result of
said elections to the contrary notwithstanding.

Clearfield co SECTION 6. That all that part of Young township, in the
Young tp. county of Jefferson, lying north of a line commencing on the
line of Clearfield county, at the south east corner of tract
number sixty, in the name of Jared Ingersol, thence west
until it intersects the line of Perry township in Jefferson
county, shall hereafter be a separate election district, and
the electors thereof shall hold their general elections at the
Paradise school house, near Jacob Smith's, in said district.

Clearfield co SECTION 7. That the electors of Pike township, in the
Pike tp. county of Clearfield, shall hereafter hold their general

elections at the house now occupied by John Draucker, in the town of Curwensville in said township.

SECTION 8. That the township of Paint, in the county of Somerset co. Somerset, shall hereafter be a separate election district, Paint tp. and the electors thereof shall hold their general elections at the house now occupied by John Fyock in said township.

SECTION 9. That the electors of Harrison township, in the Potter co. county of Potter, shall hereafter hold their general elections Harrison tp. at the house now occupied by Horace Hopkins in said township.

SECTION 10. That the electors of Morris township, in the Greene co. county of Greene, shall hereafter hold their general elections Morris tp. at the house of Edward Barker in said township.

SECTION 11. That the township of Allegheny, in the Huntgd'n co. county of Huntingdon, shall hereafter be a separate election Allegheny tp. district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Black in said township.

SECTION 12. That the electors of the borough of Martins- Bedford co. burg, in the county of Bedford, shall hereafter hold their Martinsburg election for borough officers and constables, annually, on the borough. third Friday of March, and so much of the fifteenth section of the act incorporating said borough, passed the second day of April, eighteen hundred and thirty-two, as is altered, is hereby repealed.

SECTION 13. That the electors of lower Heidelberg town- Berks co. ship, in the county of Berks, shall hereafter hold their gene- Heidelberg ral elections at the house now occupied by Henry Binkley in township. said township.

SECTION 14. That for the first election district, in the Huntgd'n co. county of Huntingdon, there shall hereafter be but one in- Huntingdon spector. to be elected by the electors thereof at the Court borough. House in the borough of Huntingdon.

SECTION 15. The electors of Ulster township, in Brad-Bradford co. ford county, shall hereafter hold their general elections at Ulster tp. the house of Samuel B. Holcomb in said township.

SECTION 16. That hereafter East and West Moyamen- Philad'a co. sing, in the county of Philadelphia, shall be separate assess- East & West ment districts. Moyamens'g

SECTION 17. That the electors of Cranberry township, in Venango co. the county of Venango, shall hereafter hold their general Cranb'ry tp. elections near the Susquehanna and Waterford turnpike, at the house of John Brandon in said township.

SECTION 18. That the electors of Middletown township, Susqu'na co. in the county of Susquehanna, shall hereafter hold their Middletown general elections at the house of Joseph Ross in said town-township. ship.

Somerset co. SECTION 19. That the electors of the township of Alleg-
 Alleg'ny tp. heny, in the county of Somerset, shall hereafter hold their
 general elections at the house of John Fair (late Jacob Fair)
 in said township.

Armstrong co. Kitting township, in
 co. Kitting township, in the county of Armstrong, shall hereafter hold their general
 elections at the house now occupied by Lydia Hileman in
 said township.

Bedford co. SECTION 21. That the electors of Belfast township, in the
 Belfast tp. county of Bedford, shall hereafter hold their general and
 township elections, at the house of Daniel Lake, in said town-
 ship, excepting that part denominated Jackson district.

Warren co. SECTION 22. That the election for all borough officers of
 Warren bo- the borough of Warren, shall, annually, hereafter, be held
 rough. on the day appointed by law for the election of township
 officers.

Mifflin co. SECTION 23. That all Wayne township, in the county of
 Wayne tp. Mifflin, shall hereafter be a separate election district, and the
 electors thereof shall hold their general elections at the public
 school house, lately erected in the village of Newton Hamil-
 ton in said township.

Susquehanna co. SECTION 24. That the electors of Great Bend township,
 G. Bend tp. in the county of Susquehanna, shall hereafter, annually,
 elect two supervisors and two overseers of the poor, and so
 much of the eighty-first section of the act of the fifteenth of
 April, eighteen hundred and thirty-four, as is altered, is here-
 by repealed, and the said supervisors and overseers of the poor
 shall, respectively, perform their several duties as is requi-
 red by law.

Warren co. SECTION 25. That the township of South West, in the
 S. West tp. county of Warren, is hereby declared to be a separate elec-
 tion district, the election to be held at the school house, in
 the village of Enterprize, in said township.

Huntingdon co. SECTION 26. That all that part of Frankstown township,
 Frankstown tp. divided. in the county of Huntingdon, lying east of the following
 lines, viz: beginning where the Allegheny township line
 crosses the Brush Run, thence down said run to the mouth,
 thence down the Beaver dam branch of the Juniata to the
 forks above Lowry's mill, thence up the south fork of said
 river to where the great road crosses the same, leading from
 Hollidaysburg to the Loop, thence a straight line to the
 Woodberry township line, on the north end of the Cove or
 Loop mountain, shall hereafter be a separate election dis-
 trict, and the electors thereof shall hold their general elec-
 tion at the house now occupied by David Ditch, in the
 borough of Frankstown.

SECTION 27. That the township of Washington, in the Jefferson co. county of Jefferson, shall hereafter be a separate election Washg'n tp. district, and the electors thereof shall hold their general elections at the house now occupied by John McEntosh in said township.

SECTION 28. That the township of East Whiteland, in Chester co. the county of Chester, shall hereafter be a separate election East White-land tp. district, and shall hold their general elections at the house known by the name of the General Wayne Inn in said township.

SECTION 29. That the qualified voters of the borough of Indiana co. Armagh, in the county of Indiana, shall annually hereafter, Armagh bo-rough officers, on the day appointed for the election of con- Election of stables in the different townships in this commonwealth, elect constable. two respectable citizens of said borough, and return the names of the persons so elected to the next court of Quarter Sessions of said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this commonwealth.

SECTION 30. That the township of Toboyne, in the county Perry co. of Perry, shall hereafter be a separate election district, and Toboyne tp. the electors thereof shall hold their general elections at the school house at New Germantown in said township.

SECTION 31. The electors of Conemaugh township, in the Cambria co. county of Cambria, shall hereafter hold their township and Conemaugh general elections at the house owned by Peter Livergood, township. Esq., on the corner of Franklin and Main streets, in the borough of Johnstown.

SECTION 32. That the part of Mahoning township, lying Mercer co. east of the Shenango, in the county of Mercer, shall here- Mahoning after be a separate election district, and shall hold their tp. divided. general elections at the school house in the village of Pulas-ki in said district, excepting those citizens resident south of the road leading from Western Reserve harbor eastwardly to the road leading from Mercer to New Castle, who shall hereafter vote at the borough of New Castle, in the same place and manner that citizens of said borough vote.

SECTION 33. That the electors of North Codorus township, York co. in the county of York, shall hereafter hold their general Codorus tp. elections at the house now occupied by John Ziegler, senior, in said township.

Luzerne co. **SECTION 34.** That the electors of Sugar Loaf township, in
S. Loaf tp. the county of Luzerne, shall hereafter hold their general
elections at the tavern house, sign of Sampson and the Lion,
now owned by Moses S. Brundage, in the village of Conyng-
ham in said township.

Alleg'ny co. **SECTION 35.** That all that part of the reserved tract op-
reserv'd tract posite Pittsburg, in the county of Allegheny, not included
adjoin'g boro within the incorporated limits of the borough of Allegheny,
of Allegheny shall hereafter be a separate election district, and the elect-
ors thereof shall hold their general elections at the house
now occupied by John Taggart in said district.

Alleg'ny co. **SECTION 36.** That the electors of St. Clair township, in
St. Clair tp. the county of Allegheny, shall hereafter hold their general
elections at the house lately occupied by A. H. Harshbarger
in said township.

Erie co. **SECTION 37.** That the electors of Union township, Erie
Union tp. county, shall hereafter hold their elections at the school
house, near the house of William Miles, Esquire, in said
township.

Certain offi- **SECTION 38.** That no inspector, judge or other officer of
cers of state, any election, shall be eligible to any office at such election,
& U.S.Govt. nor shall any person, holding an office under the general or
prohibited state government, be an inspector, judge or other officer of
from holding any such election, nor shall any person, holding an office
cert'n offices under the government of the United States, be allowed to
serve as a member of city councils, commissioner of a dis-
trict or burgess.

Perry co. **SECTION 39.** That the township of Madison, in the county
Madison tp. of Perry, shall hereafter be a separate election district, and
the electors of said township shall hold their general elec-
tions at the public house of John Zimmerman in said county.

Crawf'd co. **SECTION 40.** That all the inhabitants of that part of Fal-
Fallowfield lowfield township lying west of the Pymatuning swamp and
township, Crooked creek, in the county of Crawford, shall hereafter be
a separate election district, and the electors thereof shall
hold their general elections at the school house, in Hartford,
in said district.

Crawford co. **SECTION 41.** That the electors of Rockdale township, in
Rockdale tp. the county of Crawford, shall hereafter hold their general
elections at the school house, near Jacob Miller's, in said
township.

Wayne co. **SECTION 42.** That the electors of Mount Pleasant town-
Mount Plea- ship, in the county of Wayne, shall hereafter hold their ge-
sant tp. neral elections at the house now occupied by Nathan J. Sher-
wood in said township.

SECTION 43. That all Licking Creek township, in the Bedford co. county of Bedford, shall be a separate election district, and Licking cr'k that the electors thereof shall hold their general elections at township. the house now occupied by George Metzler in said township.

SECTION 44. That from and after the passage of this act, Luzerne co. the borough of Wilkesbarre, in the county of Luzerne, as borough of bounded and described according to an act entitled An act Wilkesbarre to erect the town plot of Wilkesbarre and its vicinity, in the county of Luzerne, into a borough, passed on the seventeenth day of March, one thousand eight hundred and six, shall be and the same is hereby declared a separate election district; the qualified voters of said borough shall proceed in like manner as the general election laws require in the several districts of this commonwealth, to elect their inspectors, and do all other things in conducting and holding the general election in such cases, as though they had never been connected with the said township; the general elections, in pursuance of this act, shall be held in a room to be prepared by the commissioners of said county, in the court house of said borough, and the commissioners, aforesaid, shall cause to be put in legible characters, over the window where the votes shall be received, "Borough of Wilkesbarre."

SECTION 45. That from and after the passage of this act, Luzerne co. the township of Wilkesbarre, in the county of Luzerne, township of shall be a separate election district, with all the privileges Wilkesbarre and immunities of the several election districts of this commonwealth, and the qualified voters thereof shall proceed in like manner to elect the inspector of the general election, and to do and perform all other matters in reference to the manner of conducting and holding the said elections, as required by the general election laws of this commonwealth; the elections for said district shall be held in a room, to be provided by the commissioners of said county, in the court house in the borough of Wilkesbarre, and the commissioners of said county shall cause to be put up in legible characters, over the window where the votes shall be received, "Township of Wilkesbarre."

SECTION 46. That the said township & borough of Wilkes- Borough and barre are hereby declared to be separate and distinct in the township of assessment and collection of the county rates and levies, as Wilkesbarre well as any other assessments that have been heretofore declared to jointly made, and for all common school purposes, either in be separate. regard to the election of directors or levying taxes, or any other provisions contained in the several laws of this commonwealth in that behalf: *Provided*, That nothing contained *Proviso*. in this act shall in any manner affect the collection of any

taxes now levied and due that have been assessed for county or school purposes, but that the laws heretofore in force shall in such cases prevail.

Greene co.
Aleppo tp.

SECTION 47. That all that part of Aleppo township, in Greene county, comprised within the following bounds, to wit: all west of a line beginning on Long Run on the north line of said township, thence south one and a half degrees east to the south line of said township, being the same part of the same which has been recently ran and marked for a new township, shall hereafter constitute a separate election district, and shall hereafter hold their general elections at the house of Joshua Whitlatch in said district.

SECTION 48. That the township of Jenks, in the county of Jefferson, is hereby declared a separate election district; the election to be held at the house now occupied by Cyrus Blood in said township; that the township of Hamilton, in the county of M'Kean, is hereby declared to be a separate election district, the election to be holden at the school house in said township.

Jefferson co.
Tionesta tp.

SECTION 49. That the township of Tionesta, in the county of Jefferson, is hereby declared a separate election district, and the election shall be held at the house of John Noef in said township.

M'Kean co.
Liberty tp.

SECTION 50. That the place of holding the election in Liberty township, M'Kean county, is hereby removed from the house of Horace Coleman to the school house at Canoe place.

Warren co.
Brokenstraw township.

SECTION 51. That the place of holding the election in Brokenstraw township, in Warren county, is hereby changed from the house now established by law, to the house now occupied by Abraham C. Wilson in said township.

Jefferson co.
Rose tp.

SECTION 52. That the citizens of Rose township, Jefferson county, within the following boundaries, viz: beginning at the mouth of a run putting into the north side of Red bank creek, a short distance west of the mill of Doctor Dolving, thence up said creek till it strikes Rose's district line, thence west to the county line between Armstrong and Jefferson counties, and from a place or point, the nearest opposite the mouth of the aforesaid run, by a line running due south till the same shall strike the northern line of Perry township, shall hold their election in the borough of Brookville, at the place now appointed by law for holding the borough election.

Phila. co.
borough of
West Phila.

SECTION 53. That the incorporated borough of West Philadelphia, which formerly constituted the eastern section of the township of Blockley, is hereby erected or formed into a separate election district, distinct and apart from

said Blockley township, and that the citizens of the said district or borough of West Philadelphia have the power to elect their own assessors and inspectors of the general election, with all the other rights and privileges of a separate election district, and that the general election shall be held at the house of William Hughes, (innkeeper,) in the said borough of West Philadelphia.

SECTION 54. The electors of the borough of McConnells-
burg and Air township, in the county of Bedford, shall
hold their general and special elections in the stone school
house in said borough.

Bedford co.
borough of
McConnells-
burg and Air
township.
Erie co.
Amity tp.

SECTION 55. That the electors of Amity township, in the
county of Erie, shall hereafter hold their general elections
at the school house, in school district number four, near the
residence of Crean B. Chaffee, at whose house in said town-
ship the elections are now held.

Lancaster co
Manor tp.

SECTION 56. All that part of the township of Manor, in
the county of Lancaster, included within the following
bounds, viz: beginning at the mouth of the Conestoga river,
thence up the same to the line of Martin Bare and Simon
Butt's land, thence along said line to the little Conestoga
creek, thence up said creek to the Lancaster road near John
Lintner's mill, thence along the same to a road on the line
of lands belonging to Christian Hertzler and others, thence
along said road till it intersects the road called Miller's mill
road, thence along the same until it intersects the old Forge
road at Miller's school house, thence along said road to
where it intersects a private road near George Rothe's smith
shop, on the line of lands belonging to George Rothe and
others, thence along said road till it intersects another pri-
vate road on lands of David Herr and others, thence along
the same until it intersects a public road called the Indian
or river road near John Souder's house, thence along said
road to where it intersects a private road on lands of Jacob
Olwiler, John Shock and others, thence along said road and
line to Wisler's run, thence down said run, on lands of
John Shock, Jacob Wissler and others, to the river Susque-
hanna, thence across said river to the York county line,
thence down the same to the Conestoga township line, thence
along the same to the place of beginning, shall hereafter
constitute and compose a separate election district, and the
electors residing therein shall hold their elections at the
house of Samuel Holl in said district, which shall be called
the Indian town district.

Indian town
district.

SECTION 57. That from and after the passage of this act,
the qualified voters of Schuylkill township, heretofore con-
nected with the Port Carbon election district, residing east

Schuylk'l co.
Schuylk'l tp.

of a point from the township line of Manheim, in a straight line with the old forge including the same, from thence to the house now occupied by Jacob Wommer including the same, and continuing from thence in a straight line to the Rush township line, shall hereafter hold their general election, and vote with the electors voting at the house of Frederick Bensinger, jr., in the township of Schuylkill, in the county of Schuylkill.

Franklin co. SECTION 58. That that portion of the citizens of the town-
Greene and ships of Green and Guilford, in Franklin county, who com-
Guilford tps. pose an election district and hold their general election at Fayetteville, be and hereby are required to hold their election for township officers at the same place, at the time appointed by law.

Luzerne co. SECTION 59. That the township of Jefferson, in Luzerne
Jefferson tp. county, shall be a separate election district, and the electors thereof shall hold their election at the school house in the first sub-division, on the turnpike near John Cobb's in said township.

Bucks co. SECTION 60. That the borough of New Hope, in the county
borough of of Bucks, shall hereafter be a separate election district, and
New Hope. that the citizens of said borough shall hold their general election at the house now occupied by Henry Sholl in the said borough.

Election of a SECTION 61. It shall and may be lawful for all persons en-
constable in titled to vote for burgess and other officers of the borough of
the borough New Hope, at the same time and place where they vote for
of N. Hope said officers, to elect two reputable citizens of said borough,
authorized. and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, with like power and authority and subject to the same regulations and penalties as are provided and contained in the laws, now existing or that may be hereafter passed, concerning borough constables within this commonwealth, and the constable shall do and perform all the duties required to be done by the high constable of said borough in pursuance of this act, and of the by-laws and ordinances of said borough, and the said constable of the borough of New Hope, shall have, exercise & possess, within the said borough, all the powers and duties of the constables elected in the several townships in the said county of Bucks, and before he shall enter on the duties of his office, shall take and subscribe the same oath as other constables, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount, with at

least one sufficient surety to be approved of by the court of Quarter Sessions of said county, in the same manner as now with reference to the several constables of the several counties within the commonwealth, and for the same uses and trusts, to all intents and purposes, and the same penalties imposed for neglect or refusal to serve ; the said court shall have the same power to appoint another person, as the courts of Quarter Sessions in the several counties in this commonwealth have and possess by law, to appoint a constable in any of the townships in the several counties of this commonwealth.

SECTION 62. The qualified electors of Clarion township, Armstrong county, shall hereafter hold their elections at the school house in the village of Strattonville, in said township, and it is hereby further provided that the township lines of Clarion township, shall hereafter be the lines of the election district of said township. Armstro'g co
Clarion tp.

SECTION 63. That the township of Coal, in the county of Northumberland, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Weikel in said township. Northumber-
land co. Coal
township.

SECTION 64. That the qualified electors of parts of Hepburn, Plunket's Creek and Fairfield townships, in Lycoming county, bounded by the following lines and distances, viz : beginning at the division between Hepburn and Loyalsock townships on Loyalsock Creek, thence along the southerly line of Hepburn township to Mill creek, thence up Mill Creek to land of William Jones, thence in a northerly direction along the westerly line of William Jones to land of John Ashmand, thence along the north line of John Ashmand and James Ashmand to a post, the north east corner of James Ashmand, thence north to the southerly line of Elkland township, thence along said line to the mouth of Plunket's Creek, thence by a direct line to the place of beginning, be and the same is hereby declared a new and separate election district, the general election to be held at the house of Philip Hoffman in Plunket Creek township. Lycoming co
Hepburn,
Plunkett's
cr'k & Fair-
field tps.

SECTION 65. That the qualified electors of Lumber town-ship, in Lycoming county, shall hereafter hold their general election at the house of John Strawbridge in said township, and said township is hereby declared a new and separate election district. Lycoming co
Lumber tp.

SECTION 66. That the township of Penn, in the county of Clearfield, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the school house, on Spencer's hill, in said township. Clearfield co
Penn tp.

Clearfield co. SECTION 67. That the electors of the township of Boggs,
Boggs tp. in Clearfield county, shall hereafter hold their general elections at the house of William Merrell, in Crammondale, in said township.

Tioga co. SECTION 68. The general elections in Elkland township,
Elkland tp. in Tioga county, shall hereafter be held at the house of Merit Smith in Elkland village.

Potter co. SECTION 69. The general election for the township of
Sweden t'p. Sweden, in the county of Potter, shall hereafter be held in the township of Eulalia, at the place now fixed by law for general elections in said township.

Tioga co. SECTION 70. The general election for the township of
Brookfield tp. Brookfield, in the county of Tioga, shall hereafter be held at the house of Richard Beard in said township.

Bedford co. SECTION 71. That the electors of Union township, Bed-
Union t'p. ford county, shall hereafter hold their general and township elections at the house of John Ficks in said township.

Washington SECTION 72. That East Pikerun township, in the county
co. East of Washington, is hereby erected into a separate election
Pikerun t'p. district and the electors thereof shall hereafter hold their general and special elections at the house now occupied by William Morgan, in the borough of Greenfield, and from and after the passage of this act, the electors of the borough of

Election of a Greenfield and the township of East Pikerun, in the county
constable for of Washington, shall elect, on the third Friday of March in
the boro' of each year, two persons, whose names shall be returned to the
Greenfield & court of Quarter Sessions of said county for the office of
East Pikerun constable, and the said court shall appoint one of said per-
t'p. auth'ized sons so as aforesaid returned, and comply in all respects with the provisions and directions contained in the act entitled "An act relative to counties and townships and county and township officers," passed the fifteenth day of April, eighteen hundred and thirty-four, and the constable appointed for the district composed of said borough and township shall have, use and exercise all the duties and powers in said district, and be subject to all and every the same fines, penalties and forfeitures within the said district, respectively, which are or hereafter shall be suffered by and imposed upon constables of the several townships of this commonwealth, by existing or future laws, and so much of the sixtieth section of the act for the erection of the town of Greenfield, in the county of Washington, into a borough, passed the ninth of April, Anno Domini eighteen hundred and thirty-four, as is inconsistent herewith, be and the same is hereby repealed.

Repealing
clause.

Washington SECTION 73. That West Pikerun township in Washington
co. West county is hereby erected into a separate election district,
Pikerun t'p. and the electors thereof shall hereafter hold their general

and special elections at the house of Alexander Hannah in said township.

SECTION 74. That from and after the passage of this act, Philadel. co. the qualified electors of the township of Roxborough, in the Roxboro' t'p. county of Philadelphia, shall meet and hold their general elections at the Leverington House, now occupied by Josiah Wood, in said township.

SECTION 75. That from and after the passage of this act, Wayne co. the electors of the township of Berlin, in the county of Berlin t'p. Wayne, shall hold their election for township officers, on the third Friday of February, annually, and that the meeting of the township auditors shall be on the Monday following the said third Friday of February, and so much of the act of fifteenth April, one thousand eight hundred and thirty-four, as relates to the time of holding elections in said township Repeal. and the meeting of township auditors is hereby repealed.

SECTION 76. That the township of Brown, in the county Mifflin co. of Mifflin, shall hereafter be a separate election district, and Brown t'p. the electors of said township shall hold their general elections at the house now occupied by John Kerr in said district.

SECTION 77. That the township of Armagh, in the county Mifflin co. of Mifflin, shall be a separate election district, and that the Armagh t'p. electors thereof shall hereafter hold their general elections at the house now occupied by Samuel C. Brown in said district.

SECTION 78. That the township of Union, in the county Mifflin co. of Mifflin, shall be a separate election district, and that the Union t'p. electors of said township shall hold their general elections at the house now occupied by Isaiah Coplin in the town of Belleville in said district.

SECTION 79. That the township of Meno, in the county Mifflin co. of Mifflin, shall be a separate election district, and that the Meno t'p. electors of said township shall hold their general elections at the house now occupied by Amos Smoker, in town of Allenville, in said district.

SECTION 80. All that part of Cocalico township, in the county of Lancaster, comprised within the following bounds, viz : beginning at George Keller's spring house, the corner of the townships of Cocalico and Elizabeth, thence along the line dividing the said townships to the Lebanon county line, thence along the line dividing the counties of Lebanon and Lancaster to the Berks county line, thence along the line dividing the counties of Berks and Lancaster to where the Sinking Spring road crosses the same, thence along the said road via to the Black Horse tavern, to where the new public road leading past Henry Hibshman's dwelling house intersects the same, thence along said road to the place of Lancaster co. Cocalico t'p.

beginning, shall hereafter constitute and compose a new election district, and the electors residing therein shall hold their elections at the public house at present occupied by Jacob Schirk, in the village of Schoen Eck, in said district.

Greene co.
Washington
t'p.

SECTION 81. That the electors of Washington township, in the county of Greene, shall hereafter hold their general election at the brick school house, between the farms of Thomas Johns and Samuel Patterson, in said township.

Northumber-
land co. Little
Mahanoy t'p.

SECTION 82. That the electors of Little Mahanoy township, in Northumberland county, shall hereafter hold their general elections at the house now occupied by Frederick Raker, in said township.

Armstrong
co. Buffaloe
t'p.

SECTION 83. That the electors of Buffaloe township, in Armstrong county, shall hereafter hold their general elections in the house of John Rea, in said township.

Berks co.
Colbrook-
dale t'p.

SECTION 84. That the electors of the township of Colbrookdale, in the county of Berks, shall hereafter hold their general election at the house of David R. Sassaman, in said township.

Chester co.
Kennet t'p.

SECTION 85. That the general election for the township of Kennet, in the county of Chester, now composing the twenty-third election district of said county, shall hereafter be held at the public house of Harlen Gause, known by the name of the Columbian Inn, in the village of Kennett Square, in the township and county aforesaid.

Crawford co.
Beaver t'p.

SECTION 86. That after the next general election, the electors of Beaver township, in the county of Crawford, shall hold their general elections at the Centre school house in said township: *Provided*, The qualified electors thereof, at the next general election, decide by a majority of votes in favor of said change.

Proviso.

Erie co.
Conneaut t'p.

SECTION 87. That the electors of Conneaut township, Erie county, shall hereafter hold their general election at the school house near Kidder's corners.

Bradford co.
Wysox, Wy-
alusing, Or-
well & Pike,
now Herrick
t'ps.

SECTION 88. That the electors of those parts of Wysox, Wyalusing, Orwell and Pike townships, now known as Herrick township, in Bradford county, shall hereafter hold their general elections at the house of Nathan B. Whitmore, and that said Herrick township be a new and separate election district.

Allegheny
co. East
Deer t'p.

SECTION 89. That East Deer township, in the county of Allegheny, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the public school house, in the village of Tarentim, in said township.

Westmore-
land co.

SECTION 90. The electors of Mount Pleasant district, in the county of Westmoreland, shall hereafter hold their

general elections at the house of Andrew Lowrey, in the M't Pleasant borough of Mount Pleasant. t'p.

SECTION 91. That the township of Freedom, in the county of Adams, shall form a separate election district, and the Adams co. general election, and election for inspectors and other officers, shall be held at the house of Nicholas Moritz. Freedom tp.

SECTION 92. The electors of the Abbottstown district, Adams co. of the county of Adams, are authorized to elect their inspector at the place where their general election is held, and Abbottstown to vote for school directors and township officers at the same place.

SECTION 93. So much of the township of Green, in Franklin county, as lies east and south of the following line, to wit: beginning at a point on the division line between the counties of Adams & Franklin, marked by stones, thence Franklin co. north four and a half degrees west four hundred perches, part of Green tp. attached to Adams co. then south sixty-three and three fourth degrees west four hundred and ninety-five perches, thence south one fourth degree east eighty perches, thence south seventy-eight degrees east four hundred and eighty-five perches, shall be attached to and be a part of the township of Franklin, in the county of Adams, and the citizens thereof shall hold their elections with said township.

SECTION 94. That the township of Hopewell, in the county of Bedford shall, from and after the passage of this act, form Bedford co. two separate election districts, the boundaries of which shall West & East Hopewell tps be as follows, viz: beginning at the line of Providence township at the mouth of John's Branch, thence down the Juniata river through the said township of Hopewell to a point at or near the mouth of six mile run, thence a straight line to the top of Terrace mountain, thence with the top of said mountain to the Huntingdon county line, thence with the said line to the line of Woodberry township on the top of Tussey's mountain, thence with the line of Woodberry township to the line of Providence township, thence along the same to the place of beginning, to be called West Hopewell, and the election for said district shall be held at the house now occupied by William Flucke in the said township, and the electors of the remaining part of said township, to be called East Hopewell, shall hereafter hold their elections at the House now occupied by John Lane, junr., in the said township.

SECTION 95. From and after the passage of this act, the qualified electors residing within the bounds of the said Election of constables authorized in East and West Hopewell election districts, shall each, annually, on the day appointed by law for the election of West Hopewell supervisors of the public highways, at their proper places for well tps.

holding their elections, elect two reputable citizens of each district for the office of constable, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, and the said court shall appoint one of each district to be constable for the township aforesaid, and the said constables shall have like power and authority, and be subject to the same regulations and penalties as are provided and contained in the laws respecting constables which now or hereafter may exist within this commonwealth, and it shall be the duty of the present constables of said township to give legal notice and hold the election as is directed by law.

Montg'ry co.
Franconia tp SECTION 96. That the township of Franconia, in the county of Montgomery, shall hereafter be a separate election district, and the electors thereof shall hold their general and special elections at the house now occupied by Jesse Lewis in said township.

Lehigh co.
S. Whitehall township. SECTION 97. That South Whitehall township, in Lehigh county, is hereby erected into a separate election district, and the citizens thereof shall hold their general election at the house now owned by William Wenner in said township.

Fayette co.
Redstone tp. SECTION 98. That the township of Redstone, in the county of Fayette, shall hereafter be a separate election district, and that the electors thereof shall hold their general and special elections at the house now occupied by Fielding Frazier in said township.

Chester co.
Penn tp. SECTION 99. That Penn township, in the county of Chester, be and the same is hereby erected into a separate election district, and that the electors thereof shall hold their general and special elections at the house now occupied by James M. Aitkin in said township.

Perry co.
Oliver tp. SECTION 100. That the township of Oliver, in the county of Perry, shall hereafter be a separate election district, and the electors of said township shall hold their general and special elections at the school house, in Newport, in said township.

Union co.—
Union tp. &
borough of
New Berlin. SECTION 101. That the electors of the township of Union, in the county of Union, shall hereafter hold their general and special elections at the house now occupied by John Olitt in the said township; and the borough of New Berlin shall hereafter be a separate election district, and the electors thereof shall hold their general and special elections in the commissioners' office in said borough.

Union co.
Penns tp. SECTION 102. The electors of the township of Penns, in the county of Union, shall hold their general elections, hereafter, at the house now occupied by Henry Wasser, in the town of Selinsgrove in the said township.

SECTION 103. That the electors of Heidelberg township, York co. in the county of York, shall hereafter hold their general Heidelberg and special elections at the house now occupied by Daniel township. Resh, on the York road, in said township.

SECTION 104. That the electors of Litchfield township, Bradford co. Bradford county, shall hereafter hold their general election Litchfield tp. at the house now occupied by Reuben Park, in said township.

SECTION 105. From and after the passage of this act, it shall and may be lawful for the electors of Mahoning and Mercer co. West Salem townships, in Mercer county, each, to elect, an- Mahoning & West Salem tps. may qualified citizens for constables, two of whom shall be ap- each elect pointed to serve as constables for each of said townships, constables. subject to the same rules and regulations as constables are now by law regulated.

SECTION 106. That the borough of North East, in the Erie county, county of Erie, be a separate election district, and the elec- N. E. boro. tions be held at the Brick school house in said borough.

SECTION 107. That from and after the passage of this act, Beaver co. the electors of Shenango township, in the county of Beaver, Shenango tp shall hold their general elections at the Stone school house, number nine, in said township.

SECTION 108. That the township of Madison, in the county Armstr'g co. of Armstrong, is hereby erected into a separate election dis- Madison tp. trict, and the qualified electors thereof shall hereafter hold their general elections at the house now occupied by Major R. D. Lawson in said township.

SECTION 109. That the electors of Morgan township, in Greene co. the county of Green, shall hereafter hold their general elec- Morgan tp. tions at the school house, near the farm of David Bell, in said township.

SECTION 110. That the electors of the Fountain Inn dis- Allegh'ny co. trict, in Pitt township, in the county of Allegheny, shall Fountain Inn hereafter hold their general elections at the house now oc- d't. Pitt tp. cupied by Conrad Freyvogle, known by the name of the Social Garden, on the Pittsburg Farmers' and Mechanics' Turnpike road, in said district.

SECTION 111. That the electors of Ohio township, in the Allegh'ny county of Allegheny, shall hereafter hold their general elec- Ohio tp. tions at the house now occupied by John Hay in said township.

SECTION 112. That after the next general election, the Crawford co. electors of the township of Mead, in the county of Craw- Mead tp. ford, shall hold their elections at the Centre school house in

Proviso. said township: *Provided*, the qualified electors thereof, at the next general election, decide by a majority of votes in favor of said change.

Somerset co. SECTION 113. That the electors of the township of Shade,
Shade tp. in the county of Somerset, shall hereafter hold their general elections at the house of John Lambert (son of George) in said township.

Susqu'na co. SECTION 114. That the electors of the township of Liberty,
Liberty tp. in the county of Susquehanna, shall hereafter hold their general elections at the school house, near the residence of Isaac Comstock, in said township.

Bucks co. SECTION 115. That the electors of the township of Rich-
Richland tp. land, in the county of Bucks, shall hereafter hold their general elections at the house of Jacob Slifer, in the village of Quakertown, in said township.

York co. SECTION 116. That the electors of the eastern Ward of
E. ward Hal- Hellam township, in the county of York, shall hereafter hold
lam tp. their inspector's election at the house now occupied by James Schall, in the borough of Wrightsville, and that the constable of the said borough is to give legal notice thereof.

York co. re- SECTION 117. That as much of the ninth section of an act
relative to in- concerning certain election districts, and other purposes,
spect's elec- passed the thirtieth day of March, Anno Domini eighteen
tion in Hal- hundred and twenty-four, relative to the election of inspect-
lam towns'p ors jointly with the western part of Hellam township, is
repealed. hereby repealed.

Cumberland SECTION 118. That the following described boundaries,
co. Allen tp. being part of Allen township, Cumberland county, to wit :
divided. beginning at a point in the centre of the great road leading to Brooks' mill, where the line of the New Cumberland election district crosses the same, thence in a direct line to the Menonist's meeting house, (known by the name of Martin's meeting house,) thence in a direct line to the house of Henry Longnecker, thence to Jacob Waggoner's near to the Yellow Breeches creek, so as to include Longnecker and James Dunlop, thence down the said creek to the line of the New Cumberland district, near to Joseph Best's farm, thence along the line of said district to the place of beginning, be and the same is hereby erected into a separate election district, and the qualified electors therein shall hereafter hold their general elections at the house now owned or occupied by Peter McCann, in the town of Lisburn, in said township.

Lisburn
district.

Schuyk'l co. SECTION 119. That the following described boundaries,
L. Mahon- being part of Lower Mahontongo township, in Schuylkill
tongo tp. county, to wit: beginning at the Dauphin and Schuylkill coun-
divided. ty line, including the tavern house on the Broad mountain now occupied by William Hall, thence along the Pinegrove

township line to where it intersects the Lower Mahontongo township line, leading in a direction to Gratztown, and thence along the ridge of the mountain to the Dauphin and Schuylkill county line, be and the same is hereby erected William's into a separate election district, to be called Williams Val-Valley dist. ley, and the electors therein shall hereafter hold their general elections at the house of Jacob Heberling, Junr., now or late in the occupancy of Samuel Kimmel.

SECTION 120. That the electors of Quincy township, in Franklin co. shall hereafter hold their general elections Quincy tp. at the same place where the electors of Quincy district heretofore held their general elections, and the electors of that part of Green township which formerly held their general election in Chambersburg, in said county, shall hereafter hold their general elections at the house now occupied by Daniel Snively, in Green Village, in said township; and from and after the passage of this act, the electors of Dry Run dt. Dry Run district, in the county of Franklin, who formerly held their elections in an old school house, shall now hold their election in a new Stone school house in the vicinity of the old one, and the name of the district shall here-district. after be the Morrowstown district.

SECTION 121. That the electors of the township of Burlington, in Bradford county, shall hereafter hold their general elections at the school house, in Burlington Four Corners, in said township. Bradford co. Burlingt'n tp.

SECTION 122. That the electors in Mifflin township, in Dauphin co. shall hereafter hold their general elections Mifflin tp. at the public house of Peter Bordner, in Berrysburg, in said township.

SECTION 123. That from and after the passage of this act, Fayette co. it shall and may be lawful for the electors of George town-George tp. ship, in the county of Fayette, to elect, annually, at their usual place of electing township officers, four qualified citizens for supervisors of the roads, subject to the same rules and regulations that supervisors are now by law regulated. Supervisors of the road.

SECTION 124. That the electors of Monterey township, in Columbia co. shall hereafter hold their general elections Monterey tp. at the house now occupied by Leonard Lazarus in said township.

SECTION 125. The village of Brighton, and the following described territory, to wit: beginning at the Beaver Village of creek, at the line dividing Brighton and Chippewa townships, Brighton. thence down the Beaver to the line dividing Fallston from Brighton, thence westwardly along said line to Brady's run, thence up said run to its forks, and thence up the north branch or fork thereof to the Chippewa line, and thence along

said line, eastwardly, to the place of beginning, be and the same hereby is erected into a separate election district, and the qualified electors therein shall hold their elections at the school house in the village of Brighton.

Beaver co.
village of
Brighton, &c
erected into
a separate
C. School
district.

SECTION 126. The territory of country in the section aforesaid described, be and the same hereby is erected a separate school district, and as such separate district shall have power to elect all the officers necessary to carry on the Common School system, the same as though said territory was a separate township, and shall, to all intents and purposes, be governed by the same laws, rules and regulations as other school districts are governed, and be entitled to receive their proportional part of all school funds coming to the township of which they are a part, to be apportioned between them and said township, in the same manner that the school funds are apportioned and divided among the townships of any county in this commonwealth.

Wayne co.
Texas tp.

SECTION 127. That from and after the passage of this act, the township of Texas, in the county of Wayne, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by J. W. Patrick, in the borough of Honesdale, and the election for officers of said township shall be held at the same place, until otherwise ordered by the citizens of said township, in the manner prescribed by law.

Wayne co.
Texas tp.
time of hold-
ing election
for tp. offi-
cers.

SECTION 128. That from and after the passage of this act, the electors of the township of Texas, in the county of Wayne, shall hold their elections for township officers on the third Friday of February, annually, and that the meeting of the township auditors shall be held on the Monday following the said third Friday of February.

Dauphin co.
W. Hanover
tp. divided
into 2 dist.

SECTION 129. That that part of West Hanover township, in the county of Dauphin, laying north of a straight line to be run, commencing at Swatara creek, half a mile south of the intersection of Bow run with said creek, from thence by a straight line to be run to the house (present residence) of Captain John B. Moorhead, and continued on by the same course to Beaver creek, the western boundary of said township, shall hereafter form two separate election districts, to be divided by a straight line to be run, commencing at the aforesaid house of Captain John B. Moorhead, and ending at the northern boundary of said township, so as not to leave Earley's mill in Manada Gap more than one mile east of said dividing line, and that the electors residing north and east of said lines, or dividing lines, shall hereafter hold their general elections at the public house now owned by Major John Shell, and those residing north and west of said lines, at the public house now owned by Adam Brightbill, and

that the commissioners of the county aforesaid, shall cause said lines to be run and marked at the expense of said county.

SECTION 130. That the high constable of the borough of ^{Westm'd co.} New Salem, in the county of Westmoreland, shall have all ^{New Salem} the powers and authorities and be subject to all the penalties ^{boro'} and liabilities which constables of townships are, by the existing laws of this commonwealth.

SECTION 131. That the electors of Mount Pleasant town- ^{Adams co.} ship, in the county of Adams, shall hereafter hold their gene- ^{Mt. Pleasant} ral and township elections at the house of Anthony Smith in ^{township.} said township, situate at the Cross roads, the one leading from Oxford to the two taverns, the other from Hunterstown to Hanover.

SECTION 132. That the electors of Wysox township, in the county of Bradford, shall hereafter hold their general ^{Bradford co.} elections at the house now occupied by Samuel Coolbaugh in ^{Wysox tp.} said township.

SECTION 133. That the electors of Hamilton township, in the county of Adams, shall hereafter hold their general elec- ^{Adams co.} tions at the house now occupied by Jacob Bushey in said ^{Hamilton tp.} township.

SECTION 134. The electors of Manchester township, in the county of Wayne, shall hereafter hold their general ^{Wayne co.} elections at the house of George Kellam in said township, ^{Manchester} near said Kellam's mills. township.

SECTION 135. All that part of Rockhill township, in the ^{Bucks co.} county of Bucks, as lies within the following boundaries: ^{Rockhill tp.} beginning at the Branch road, in said township of Rockhill, ^{divided.} at a point at or near Esquire Dill's, from thence straight in a north west course until it strikes the line between said township and Richland township, from thence down said township line to the line between said township and Haycock line, and from thence down said township to the old Bethlehem road, and from thence down said road to the Branch ^{East Rock-} road, and along said Branch road to Esquire Dill's the place ^{hill district.} of beginning, is hereby erected into a separate election district, to be called East Rockhill, and to hold their elections at the public house now occupied by Jacob Wonnan.

SECTION 136. That all laws hereby altered or supplied, ^{Repealing} so far as they are inconsistent with this act, are hereby ^{section.} repealed.

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 95.

An Act

To authorize the president judge of the District Court of Allegheny county, to hold special courts in Fayette county, in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president judge of the District Court of Allegheny county, is hereby authorized to hold special courts, in the county of Fayette, in the same manner and for the same purposes as are provided for and specified in the act for holding special courts of Common Pleas, passed on the fifteenth day of March, eighteen hundred and sixteen, and shall have the same powers, authority, privileges and compensation, as are, by the same act and the several supplements thereto, conferred upon the president judge of the court of Common Pleas, who may reside nearest.

SECTION 2. That there shall be and hereby is established in the town of Willardsburg, in the county of Tioga, an academy in the town of Willardsburg, in the county of Tioga, an academy or public school for the education of youth in the incorporated. English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Willardsburg Academy, under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate in deed and in law, by the name and style of the Trustees of the Willardsburg Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels and monies, of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect, rent or purchase such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy and the due management and ordering of the affairs thereof.

Prest. judge
of the Dist't
Court of Al-
legheny co.
to hold spe-
cial courts in
Fayette co.

Willardsb'g
Acadamy in
Tioga co. in-
corporated.
Style & title

Powers:

SECTION 3. And the first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and thirty-eight, and on the same day thereafter, annually, in the Common School house in the said town of Willardsburg, and said election shall commence at the hour of one o'clock P. M., and continue until five o'clock P. M., and shall be conducted by two managers, who shall be appointed by a majority of the persons qualified to vote who may be present at the time of commencing said election; no person shall be allowed to be a trustee, or to vote, unless he be a citizen of said county, and shall have subscribed and paid, to the funds of said academy, the sum of three dollars, but any citizen of said county, having contributed to the use of said Academy the sum or value of ten dollars, shall be entitled to two votes, and one additional vote for every ten dollars above ten, contributed as aforesaid; and it shall be the duty of the trustees to grant certificates of the amounts so contributed, which shall constitute the donor a stockholder in said institution, and shall be transferable, on a book to be kept for that purpose, by the treasurer; the votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside "trustees of the Willardsburg Academy," and shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected; the managers shall certify the result of the election to each person so elected; as soon as convenient after the election the said trustees shall, by lot, divide themselves into three classes of two each, the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good

Who may
vote.

Trustees di-
vided into
classes.

President.

Quorum.

Secretary &
treasurer.

sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount, for the time being, of the funds of the corporation, conditioned for the performance of the duties enjoined and the re-payment of monies received by him.

Duty of
treasurer.

Accounts,
how settled
& adjusted.

Penalty.

Trustees un-
til their suc-
cessors be
elected.

Corporation
not to be dis-
solved by a
failure to
elect its offi-
cers.

Deanville
Fem. Sem.
Trustees.

SECTION 4. The treasurer shall receive and hold all monies belonging to the institution and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and the said treasurer shall, annually, in the month of January, and whenever so required by the trustees, exhibit all books, vouchers and accounts of every kind before the said board, to be settled and adjusted in the same manner as the accounts of county commissioners are or shall be by law directed to be settled, and any balance found due the institution shall be entered of record in the prothonotary's office, and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal; and every treasurer who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, before a justice of the peace, in any action (brought by a person qualified to vote for trustees,) in the name of said corporation, one half to be recovered for the use of the academy, and the other half for the use of the prosecutor.

SECTION 5. Benjamin C. Wickham, William Willard, Butler Smith, Benjamin Bentley, Elijah Depuy and Alva C. Bush, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as hereinbefore vested in the board to be elected; and the said corporation shall not be dissolved by reason of any failure to elect officers, or any non-user of its privileges, nor shall any suit in which said corporation may be a party be set aside by reason of a misnomer of said corporation; the legislature reserves the right to repeal, alter or modify this act.

SECTION 6. There shall be and are hereby established, for the education of female youth in the arts, sciences and useful literature the following Female Seminaries:

The Deanville Female Seminary, in or near Kittanning, in the county of Armstrong, of which B. B. Killikelly, Joseph Buffington, Alexander Caldwell, Robert E. Browne, George W. Smith, William P. Rupp and William F.

Johnston, of the county of Armstrong, Charles C. Gaskill of Jefferson, and Daniel Stanard of Indiana county, are trustees.

The Ingham Female Seminary in Doylestown, in the county of Bucks; and John Fox, Samuel D. Ingham, Matthias Morris, Reverend Silas M. Andrews, John H. Anderson, Charles E. Du Bois, John B. Pugh, Charles H. Mathers, W. T. Rogers, of said county, are trustees.

The Carlisle Female Seminary of Cumberland county; and William M. Biddle, John Reed, Frederick R. Watts, Edward R. Biddle, Charles B. Penrose, John C. Durbin and Samuel G. Alexander, are trustees.

The York Female Seminary of York county; and William M'Ilvain, John Vogelsoog, Thomas E. Cochran, Thomas McGrath, James R. Reiley, Thomas C. Hambly, Jacob Spangler, Edward Chapin, and John Evans, are trustees.

The Lancaster Female Seminary, in the county of Lancaster; and Alexander L. Hays, Samuel Bowman, Oristus Collins, Emanuel C. Reigart, Amos Ellmaker, George Ford, jr., George W. Hamersly, Benjamin Champneys, John F. Steinman, John R. Montgomery, and William Norris, are trustees.

The Reading Female Seminary, in the borough of Reading, Berks county; and William Pawley, Reverend Jacob Miller, William Darling, Peter Filbert, Colonel John Miller, Jacob Sallade, Abraham Keisser, George D. B. Keim, and Henry A. Muhlenburg, are trustees.

The Erie Female Seminary, in the borough of Erie, and county of Erie; and Robert Reid, George A. Lyon, Thomas H. Sill, George Selden, Charles M. Reed, George Kellogg, A. W. Brewster, William Kelly, and James Williams, are trustees.

The Female Seminary, in the borough of Brookville, in Jefferson county; and Andrew Barnett, Thomas Hastings, Levi P. Clover, William Jack, Elijah Heath, C. B. Alexander, John Bell, Charles K. Barclay, and John W. Jenks, are trustees.

The Female Society, in the borough of Butler, in the county of Butler; Revd. Isaiah Niblock, Reverend Loyal Young, John Gilmore, John Bredin, John Welsh, George W. Smith, Samuel A. Purviance, William Ayres, George Miller of the borough of Butler, are trustees.

The Chambersburg Female Seminary, in the borough of Chambersburg, in the county of Franklin; and David Denny, George Chambers, William Heyser, Thomas H. Crawford, Reed Washington, Philip Berlin, Samuel D. Culbertson, Alexander Thompson, and Barnard Wolf, are trustees.

- Honesdale Fem. Sem. Trustees.** The Honesdale Female Seminary, of Wayne county ; and Russel F. Lord, Isaac P. Foster, Richard L. Seely, Thomas H. K. Tracy, John Neal, Lenos H. Russel, Ebenezer Kingsbury, jr., John Torrey, and Daniel P. Fuller, are trustees.
- Lebanon Fem. Sem. Trustees:** The Lebanon Female Seminary, in the borough of Lebanon, in the county of Lebanon ; and Reverend Henry Wagner, Reverend Wm. G. Ernst, Reverend Jonathan Ruthroff, George Reidenour, and John W. Gloninger, are trustees.
- Greensburg Fem. Sem. Trustees.** The Female Seminary of Greensburg, in the county of Westmoreland ; and Reverend Robert Henry, Samuel B. Bushfield, John Tayler, Reverend Michael J. Steck, Reverend N. P. Hacke, William M'Kinney, Joseph H. Kuhns, John Morrison, J. M. Bunell, John Y. Barclay, A. G. Marchand, and John Kuhns, are trustees.
- The M'Kean Fem. Sem. Trustees.** The M'Kean Female Seminary, of Troy, in the county of Bradford ; and Alexander Heunrich, J. N. Pomeroy, E. Newberry, Charles Barnes, C. Orwan, R. Case, E. Long, O. P. Ballard, J. P. Ballard, Reuben Wilson, Churchill Barnes, and J. M. Adams, are trustees.
- New Berlin Fem. Sem. Trustees.** The New Berlin Female Seminary, in the county of Union ; and James Merrill, John Lashells, Dr. Joseph R. Lots, Samuel Wilson, Samuel Aurand, Samuel Weirick, John Mauk, Isaac Slenker, Robert B. Barber, John Kay, and William Hays, are trustees.
- Orwigsburg Fem. Sem. Trustees.** The Orwigsburg Female Seminary, of Schuylkill county ; and John Baunan, Charles Frailey, William B. Potts, and Jacob Hamma, are trustees.
- Concordville Fem. Sem. Trustees.** The Female Seminary of Concordville, in the county of Delaware ; and Samuel Hewes, Henry Meyers, Samuel Trimble, Casper W. Sharpless, Ralph C. Marsh, Nathan Sharpless, William Painter, Moses Palmer, and Ellis Yarnell, are trustees.
- The Easton Fem. Sem. Trustees.** The Easton Female Seminary, in the borough of Easton, Northampton county ; and Reverend John Giey, Jacob Wagener, Joseph K. Swift, John Stewart, Reverend J. P. Hecht, P. S. Michler, and Barnard Wolf, are trustees.
- The Bedford Fem. Sem. Trustees.** The Bedford Female Seminary, of Bedford, in Bedford county ; and Reverend B. K. Hall, Job Mann, David Mann, Samuel M. Barclay, James M. Russel, and William Lyon, trustees.
- Fem. Sem. of the boro' of Indiana. Trustees.** The Female Seminary of the borough of Indiana, in the county of Indiana ; Reverend John Reed, Thomas White, James M. Stewart, William Banks, Meek Kelly, Joseph Thompson, Jonathan Ayres, and Daniel Stanard, are trustees.
- Meadville Fem. Sem.** The Meadville Female Seminary, in the borough of Meadville, Crawford county, of which the following named persons

shall be trustees, to wit : John Reynolds, David Derrickson, Trustees.
J. W. Farrelly, William Thorp, C. M. Yates, John Dick,
Henry Shippen, J. Stewart Riddle, Revd. H. J. Clark.

The Sunbury Female Seminary, in the borough of Sun-TheSunbury
bury, in the county of Northumberland ; and Hugh Bellas, Fem. Sem.
C. G. Donnell, John Young, Henry Yoxthimer, and E. Trustees.
Greenough, are trustees.

The Venango Female Seminary, to be located in the Venango
borough of Franklin, Venango county ; Alexander M'Cal-Fem. Sem.
mont, James Kinneear, Byron Park, Andrew Bowman, B. A. Trustees.
Plumer, John Evans, George W. Connelly, R. Lamberton,
R. Power, N. D. Snowden, James Thompson, and Hugh
M'Clelland, trustees.

The Female Seminary, in the borough of Montrose, Sus-Susquehan'a
quehanna county ; trustees, A. H. Reed, Davis Dimock, jr., Fem. Sem.
James C. Biddle, George Fuller, and Daniel Searle. Trustees.

SECTION 7. The said seminaries shall be under the man-Number of
agement, direction, and government of a number of trustees, trustees.
not exceeding nine, five of whom shall be a quorum, or a Quorum.
board for the transaction of business ; and said trustees, and
their successors, to be elected as hereinafter mentioned,
from among the holders of stock in said seminary, shall be
and they are hereby erected, established and declared to be
a body politic and corporate, with perpetual succession, and
with all the incidents of a corporation, in deed and in law,
to all intents and purposes whatsoever, by the name, style
and title of 'The Trustees of the said Female Seminaries, Name, style
respectively,' by which name and title the said trustees, and and title.
their successors, shall be able and capable, at law and in
equity, to take to themselves and their successors, for the
use of said seminaries, any estate in any messuages, lands,
tenements, hereditaments, goods, chattels, monies or other
effects, by gift, grant, bargain, sale, conveyance, assurance,
will, devise or bequest of any person or persons whatsoever: Proviso.
Provided, The same does not exceed in the whole the yearly
value of three thousand dollars, and the same messuages,
lands, tenements, hereditaments and estates, real and per-
sonal, to grant, bargain, sell, convey, assure, demise, and to
farm, let and place out on interest or otherwise dispose of,
or invest for the use of the stockholders in said seminaries, in
such manner as to them or at least a quorum of them shall
seem most beneficial to the institutions, and to receive the
rents, issues, profits, income and interest of the same, and
to apply the same to the proper use of said seminaries; and
by the same name to sue, prosecute and defend, implead and
be impleaded in any courts of law or equity, and in all
manner of suits and actions whatsoever, and generally, by

and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their own concerns.

Seal. SECTION 8. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporations shall pass and be authenticated, and the same seal, at their pleasure, may break and alter and devise a new one.

Meeting of trustees and their duties. SECTION 9. There shall be a meeting of said trustees held once in every year at least, at such time and place as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the government of the said seminaries, of electing trustees from among the holders of stock in the seminaries, as aforesaid, in the place and stead of those who shall resign or die, of electing and appointing the teachers of the said seminaries, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations or ordinances of the seminaries, or other misconduct committed by the pupils or other persons thereat, and generally, at any annual, adjourned or extra meeting, shall determine all other matters and things (although the same are not herein particularly mentioned) which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinances or regulation shall be of any force which is repugnant to the constitution and laws of the United States or of this commonwealth.

Proviso.

Trustees to have power to enforce rules and to grant certificates to graduates. SECTION 10. That the teachers of said seminaries, respectively, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof, to such pupils of the seminaries and others, who, by their proficiency in learning or other distinction, they think shall

be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal.

SECTION 11. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, teacher, tutor or pupil be refused admittance into said seminaries, or denied any of the privileges, immunities or advantages thereof for or on account of his sentiments in matters of religion.

SECTION 12. No misnomer of the said corporations respectively, shall defeat or annul any gift, grant, devise or bequest to or from said corporations: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporations respectively.

SECTION 13. The legislature reserves the right to revoke, alter or annul the charters hereby granted, at any time they may think proper.

SECTION 14. That the Female School in the borough of Waynesburg, in the county of Greene, be and hereby is erected into a Seminary, for the education of female youth in the arts, sciences and useful literature.

SECTION 15. The said seminary shall be under the management, direction and government of a number of trustees, not exceeding nine, five of whom shall be a quorum or a board for the transaction of business.

SECTION 16. The trustees of said seminary shall consist of the following named persons, to wit: Samuel Clevinger, Benjamin Campbell, Jr., John Ingham, Robert Adams, Jesse Rinehart, William Sealy and William T. Hays, Andrew Buchanan and Henry L. Pennock, which said trustees and their successors, to be elected as hereinafter mentioned, from among the holders of stock in said seminary, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of 'The Trustees of the Waynesburg Female Seminary,' by which name and title the said trustees, and their successors, shall be able and capable, at law and in equity, and to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever: *Provided*, The same does not exceed in the whole the yearly

Religious
sentiments
not to inca-
pacitate.

said corpora-
tions.

Right reser-
ved by the
legislature.

Waynesb'rg
Female Se-
minary.

Number of
trustees.
Quorum.

Name, style
title.

Powers.

Proviso.

value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest or otherwise dispose of or invest, for the use of the stockholders in said seminary, in such manner as to them, or at least a quorum of them, shall seem most beneficial to the institution; and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said seminary, and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and, generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate, have power to manage their own concerns.

Seal.

SECTION 17. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass and be authenticated, and the same seal, at their pleasure, may break and alter and devise a new one.

Meeting of trustees and their duties.

SECTION 18. There shall be a meeting of said trustees held once in every year at least, at Waynesburg, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the government of the said seminary, of electing trustees from among the holders of stock in the seminary, as aforesaid, in the place and stead of those who shall resign or die, of electing and appointing the teachers of the said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils or other persons thereat, and generally, at any annual, adjourned or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall

occasionally arise and be incidentally necessary to be determined by said trustees : *Provided*, That no ordinances or regulation shall be of any force which is repugnant to the constitution or laws of the United States or of this commonwealth. Proviso.

SECTION 19. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof to such pupils of the seminary and others, who, by their proficiency in learning or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal. Trustees to have power and to enforce rules and to grant certificates to graduates.

SECTION 20 Persons of every religious denomination shall be capable of being elected trustees, nor shall any person either as principal, teacher, tutor or pupil be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion. Religious sentiments not to disqualify.

SECTION 21. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from said corporation : *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation. No misnomer to operate against the corporation.

SECTION 22. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper. Right reserved by the legislature.

SECTION 23. That from and after the passage of this act, the citizens of East Brunswick township, Schuylkill county, residing within the following limits, to wit : beginning at a corner of East and West Brunswick townships, on the line of Schuylkill township, thence along the line of East and West Brunswick township, to the summit of the Red hill, thence along the said hill opposite the house of Simon Dieterich, including the same, thence to the house of Bernard K. Kepner, including the same, thence to the house of Benjamin Liser on the Little Schuylkill river, including the same, thence along Little Schuylkill to the mouth of Beaver creek, thence along said creek to Jonathan Yost's mill dam, thence a due north course to the Schuylkill township line, thence along said line to the place of beginning, shall form a separate school district, subject to the same provisions and restrictions contained in the act entitled "An act to establish a General A separate sch'l district to be erected out of parts of E. Brunswick township, Schuylkill co.

System of Education by Common Schools," passed April first, Anno Domini one thousand eight hundred and thirty-four, and its supplements; the election of school directors to be held in the school house in the town of McKeansburg.

Separate
sch'l district
to be formed
out of Pine
Grove tp.
Schuyl. co.

SECTION 24. That from and after the passage of this act, the citizens of the township of Pine Grove, in the county of Schuylkill, residing within the following limits, to wit: beginning in the middle of the river Swatara, on a line of lands of Peter Filbert, late Ley and Hoch, thence south eighty-seven and a half degrees west, through lands of late Ley and Hoch and Church land, sixty-nine and a half perches to a post, thence through land of John Keyser, north seventeen degrees east, fifty-eight perches to a hickory, thence through the same, south eighty-six and one half degrees west, sixty-one perches to a pine, thence through land of now or late Jacob Hubler, Lehman and Graiz, and John Zimmerman's lands, north eighty-seven and an half degrees east, ninety perches, to the middle of the river Swatara, the several courses and distances to the place of beginning, shall form a separate school district, subject to the same provisions and restrictions contained in the act entitled "An act to establish a General System of Education by Common Schools," passed April first, Anno Domini one thousand eight hundred and thirty-four, and its supplements; the election to be held in the school house in the town of Pine Grove.

Secretary of
the Common-
wealth, &c.
to adjust the
claim of ex-
ecutors of
W. Powers.

SECTION 25. That the Secretary of the Commonwealth, Secretary of the Land Office, and Surveyor General, be and they are hereby constituted a board to settle and adjust the claim of the executors of Captain William Power, deceased, for services rendered by the said Captain William Power, in his life time, as agent for the commonwealth, under the act for the sale of lands, late the estate of John Nicholson and Peter Baynton, passed the eleventh of April, eighteen hundred and thirty-six, and make such allowance for the services proved to have been actually rendered under the said act, as the board shall think just and equitable.

Report to
be filed in
Secretary's
office.
Governor to
draw his
warrant.

SECTION 26. And when the board hereby constituted shall have settled and adjusted the said claim, and ascertained the sum actually due for said services, (if any is found to be due,) they shall file a report of the same in the office of the Secretary of the Commonwealth, and the Governor, upon the report being filed as aforesaid, shall draw his warrant upon the State Treasurer in favor of the executors of the said Captain William Power, deceased, for such sum as may be found due, as aforesaid, and the State Treasurer is hereby required to pay the same.

SECTION 27. So much of the sixth section of the act

referred to in twenty-fourth section of this act, as relates to the compensation of the agent or agents to be employed, so far as it applies to this particular agent, is hereby repealed.

SECTION 28. That all laws prohibiting the erection of fish dams in the Frankstown Branch of Juniata, above the mouth of the Raystown Branch, be and the same are hereby repealed, and that the provisions of the act entitled "An act to authorize Charles Smith, of the borough of Lancaster, his heirs and assigns, to erect and maintain a wingdam in the river Juniata, under certain restrictions," be and the same are hereby so altered and extended, as that the said dam may be extended the whole distance across the said branch of said river, and be kept up and maintained throughout the whole year, any thing in the said act to the contrary in any wise notwithstanding.

SECTION 29. That when fifteen or more persons shall have subscribed one hundred and fifty shares of the stock of the company, incorporated to erect a Bridge over the river Schuylkill, at Matson's ford, in the county of Montgomery, and letters patent shall have issued, then it shall be the duty of the commissioners of the county of Montgomery to subscribe, on behalf of said county, for eighty shares of the stock of the aforesaid Bridge company, to be paid by warrants drawn by the county commissioners upon the county treasurer, and for that purpose, the commissioners of the said county of Montgomery are hereby authorized to sell, or cause to be sold, and transferred, the whole amount, or so much of the stock held by said county commissioners, on behalf of the county aforesaid, in the stock of the company, for erecting a permanent Bridge over the river Scuykill, opposite De Kalb street, in the borough of Norristown, as they may deem sufficient, to enable the said commissioners to make the said investment, and the subscription and payments authorized to be made by this act, shall, for every share subscribed and paid, vest in the said county commissioners, or their successors in office, for the use of the said county, all the rights and emoluments appertaining to a share or shares, as those held by individual stockholders.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 96.

An Act

Granting certain powers to the Authorities of the cities of Lancaster and Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the street commissioner or supervisor of the city of Lancaster, shall immediately after the passage of this act, open or cause to be opened a public road, from the present termination of a public road leading from the village of Safe Harbour, on the Susquehanna river, to the boundary line of the city of Lancaster, of the same width as the former, to a street or lane in said city, running at right angles or perpendicular to the same, and known by the name of Love lane : *Provided,* The expense of constructing and keeping the same in repair shall be paid out of the county treasury.

Public road
to be opened
by the super-
visor of the
city of Lan-
caster, &c.

Repeal of
law rel. to
signs & sign-
posts in Phila-
delphia.

SECTION 2. That so much of the forty-seventh section of an act, passed the eighteenth day of February, one thousand seven hundred and sixty-nine, entitled An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, &c., in the city of Philadelphia, and for other purposes, as prohibits, under certain penalties, any sign, sign post, or other device (except in houses of public entertainment for man and horse) extending into the highway more than four and a half inches from any store or other place of business, in the said city of Philadelphia, be and the same is hereby repealed.

Select and
common
councils of
Phila. autho-
rized to regu-
late porches,
&c.

SECTION 3. It shall and may be lawful for the select and common councils of the city of Philadelphia, from time to time, by ordinance, to make and establish such and so many rules and regulations as to them may seem expedient, for the better regulation of porches, porticoes, benches, door-steps, railings, bulk or jut windows, areas, cellar doors, and cellar windows, signs, sign posts, boards, poles or frames, awnings, awning posts or other device or thing, projecting over, under, into or otherwise occupying the side walks or other portion of any of the streets, lanes and alleys; and in relation to boxes, bales, barrels, hogsheads, crates, or other articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever, placed

in or upon any of the said footways, side walks or other portion of the said streets or alleys, and for the better protection and regulation of markets, market stands, and market houses, and at the expense of the owner or owners of the property adjoining, to regulate, grade, pave and repave, curb and recurb the said footways or side walks, and the said ordinances, rules and regulations to execute, under the direction or superintendence of such person or persons as they may authorize or appoint, and the same to enforce by suitable penalties, which penalties and the expenses of paving and repaving, curbing and recurbing, as aforesaid, shall be recoverable before any alderman of said city, or before any court having jurisdiction, in the same manner that debts of like amount are by law recoverable.

SECTION 4. That so much of an act passed the eighteenth day of February, one thousand seven hundred and sixty-nine, and so much of any other act or acts as are altered or supplied by the preceding section, be and the same are hereby repealed.

SECTION 5. That the mayor, aldermen and citizens of Philadelphia, be and they are hereby authorized to appropriate and pay the annual income of the fund bequeathed by John Bleakly, to the corporation of the city of Philadelphia, as a fund to relieve those who may be reduced to the necessity of being placed in the hospital, during the prevalence of yellow fever, to the managers of the Will's Hospital for the indigent blind and lame, to be used and applied in the same manner as the other funds devoted to that institution: *Provided*, That in case the said fund or the income arising therefrom, should at any time hereafter be required for the purposes specified in said bequest, then it shall be the duty of the said mayor, aldermen and citizens to apply the said fund, or the income for the year then present, or so much of either as in their opinion may be necessary, to those purposes, and to no other.

SECTION 6. That the name of the Wilkesbarre Academy shall be and hereby is changed, and that it shall hereafter be known and called by the name and style of the Wyoming Academy, and that this change in the name of the said corporation shall not in any way affect, impair or change the rights, duties, privileges, franchises, claims or liabilities of the same, or of the trustees thereof.

SECTION 7. That the present trustees of the Wilkesbarre Academy shall continue the trustees of said corporation, until the first Monday of June next, and until others shall be elected and qualified to supply their places, and that they shall transact the business of the corporation in the

Repeal.

Corporation of Philad'a authorized to pay annual income of J. Bleakly's bequest for the relief of the indigent blind & lame

Name of Wilkesbarre Academy changed to Wyoming Academy.

Present trustees continued until others are elected.

name of the president and trustees of the Wyoming Academy, and under that name may sue and be sued for all claims and demands in favor of or against the Wilkesbarre Academy.

Funds to be divided into shares of \$5 each. SECTION 8. That the sums hereafter paid by the respective subscribers to the funds of the said academy, shall be divided into shares of five dollars each, and, when any of the subscribers shall pay the amount of their respective subscriptions, they shall be entitled to receive from the treasurer, certificates for as many shares of stock in said academy as their respective subscriptions may amount to, which certificates shall be transferable according to the rules and regulations relating thereto, which may be adopted or hereafter prescribed by the trustees.

Certificates transferable.

Annual election of trustees. SECTION 9. On the first Monday of June next, and on the first Monday of every June thereafter, the aforesaid share or certificate holders may hold a meeting at any place in the borough of Wilkesbarre, to be previously designated by the trustees, and notice whereof and of the hour of meeting shall be given by the secretary in one or more newspapers printed in said borough; that at said meetings it shall be lawful for said share holders to elect, by ballot, thirteen trustees of said corporation, who shall hold the office one year from the date of their election, and until others shall be elected and qualified to supply their places, any seven of whom shall constitute a quorum for the transaction of business, and as often as any vacancy occurs in said board of trustees they may fill the same by the appointment of a new trustee, to hold his office until the next annual election.

Quorum. Vacancies.

President, &c. to determine question at elections. Proviso.

SECTION 10. That at said annual election the president of the institution shall preside, who, together with the secretary and one assistant, to be chosen by the voters present, shall determine all questions which may arise at said elections: *Provided*, That every citizen of the county of Luzerne, who may hold (at the time he claims the right of voting) one share of said stock in his own right, or in the right of his wife, & who may have so held the same for three months immediately preceding the election, shall be entitled to give one vote for trustees; those holding and having held, as aforesaid, four shares of said stock, shall be entitled to give two votes; those holding and having held, as aforesaid, eight shares shall be entitled to give three votes; and those holding and having held, as aforesaid, twelve shares, shall be entitled to give four votes at said elections, and no more.

Ratio of votes.

Pa. College, &c. exempted from taxation.

SECTION 11. The Pennsylvania College, Seminary and Gymnasium of Adams county, shall be exempt from county taxation, being still liable to state taxation.

SECTION 12. That it shall and may be lawful for the qualified voters of the borough of Columbia, in the county of Lancaster, at their next annual election for borough officers, to elect, in the usual manner and as is now provided for by the act incorporating the said borough, nine qualified citizens as members of the town council, three of whom shall serve until the first Monday in January, one thousand eight hundred and forty-three, three until the first Monday in January, one thousand eight hundred and forty, and the remaining three until the first Monday in January, in the year one thousand eight hundred and forty-two, the time of service among whom shall be decided by lot, immediately after their election; and on the first Monday in January, one thousand eight hundred and forty, and annually thereafter, the qualified voters of the borough aforesaid, shall elect, by ballot, three citizens qualified as aforesaid, to serve as members of the said council for the term of three years, and until others are duly elected.

Borough of Columbia
authorized to elect nine members of council.

Term of service.

SECTION 13. That so much of the act incorporating the said borough, as is or may be inconsistent with the provisions of this act, be and the same is hereby repealed.

Repeal of part of act of incorporat'u.

SECTION 14. The citizens of the town of Berwick, Columbia county, qualified to vote for members of assembly, shall meet at the usual place of holding the general election in said town, on the third Friday of April. in the present year, and annually thereafter on the third Friday of March, and elect two qualified citizens of said town, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said town, in the same manner, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing or that may be hereafter passed, concerning constables in this commonwealth.

Berwick, Columbia co. authorized to elect a constable.

SECTION 15. That the citizens of said town, qualified as aforesaid, shall at the same time and place, elect one qualified citizen of said town as a supervisor of the streets and highways of said town, to have the same authority and be subject to the same laws and regulations which are provided for supervisors in the county of Columbia; and also at the same time and place, to elect three persons as auditors, to examine and settle the accounts of said supervisor, agreeably to the several acts of assembly made and provided for said purpose.

Berwick—Supervisors of streets.

SECTION 16. That from and after the passage of this act, the streets and alleys in the town of Berwick, shall and they are hereby declared to be public highways, and shall be

Streets and alleys to be public highways.

opened and improved as other highways in this commonwealth are opened and improved.

Harrisburg boro', limits increased. SECTION 17. That from and after the passage of this act, the north western boundary line of the borough of Harrisburg, in the county of Dauphin, as incorporated by an act of the general assembly, entitled An act to erect the town of Harrisburg, in the county of Dauphin into a borough, passed the thirteenth day of April, one thousand seven hundred and ninety-one, and an act to alter an act entitled An act to erect the town of Harrisburg in the county of Dauphin into a borough, passed the first day of February, one thousand eight hundred and eight, shall be and the same is hereby extended and enlarged as follows, to wit: beginning at the south western corner of the present boundary line, on the Susquehanna river, thence, extending along the same at low water mark to the upper corner and line of the land of the late Mr. McClay on said river, in Susquehanna township, thence by a parallel line to Paxton creek, thence along said stream to the north western corner of the present boundary line of the said borough of Harrisburg, so as to include the whole village or town of McClaysburg within the limits of the aforesaid borough of Harrisburg, of which it is hereby made part and parcel, as fully and effectually as if the same had been originally included therein, for school and all other purposes whatsoever.

Boundaries of increased limits.

McClaysb'rg included.

McClaysb'rg part of the north ward. SECTION 18. The inhabitants of all that portion of the town of McClaysburg, hereby annexed to the borough of Harrisburg, shall be and they are hereby entitled to the same rights, privileges, franchises and immunities are as enjoyed, and shall be subject to the same liabilities incurred by the inhabitants residing within the bounds of said borough as originally incorporated, and for election, borough and all other purposes, shall form and compose a part of the north ward.

Bradford co. certain lien laws extended to said county. SECTION 19. That from the passage hereof the act entitled An act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the city of Philadelphia, passed the seventeenth day of March, eighteen hundred and six, with its supplement, passed the twentieth day of March, eighteen hundred and eight, shall be and the same is hereby declared to be in full force and operation in the county of Bradford, and mechanics and others in said county shall have like remedy, under said acts, as though they were herein enacted at full length.

SECTION 20. It shall be the duty of the supervisors of the highways, in the county of Delaware, within ten days after their election, to proceed to lay the public roads in their

respective townships into sections, not exceeding one mile in length, which they shall number and describe in a book, to be kept by them for that purpose; and the said supervisors shall, within two days thereafter, give at least ten days notice, by at least six hand-bills put up in the most public places in their respective townships, designating the time and place for the taxable inhabitants to meet, at which time and place it shall be the duty of the said supervisors to attend and let out on contract, to the lowest and best bidder, the said roads as described, into sections, one section at a time, until they are all disposed of, to be kept in repair for the term of one year; but if any section or sections should not be then let on account of no bid having been made for the same, the supervisors may afterwards let out such section or sections on private contract: *Provided*, That the said supervisors shall not be directly or indirectly interested in taking any section so let out as aforesaid.

SECTION 21. The said taxable inhabitant or inhabitants, so taking a section or sections as aforesaid, shall write their names, respectively, in the supervisor's book, opposite the section or sections they shall, respectively, agree to repair, together with the sum of money they are to have for the same.

SECTION 22. Should any of the said taxable inhabitants of the said townships, neglect or refuse to keep in good repair the section or sections of road, so undertaken or contracted for as aforesaid, upon complaint of any of the citizens of the said township made to the supervisors thereof, it shall be the duty of the supervisors, if they believe the complaint well founded, to give notice thereof to the party or parties complained of, and request him or them to put his or their portion of road in good repair, within six days thereafter, and if he or they shall still neglect or refuse to repair the same, then it shall be the duty of two of the auditors of the township, upon notice given them by the said supervisors, to examine the same, and if they shall be of opinion that said section or sections of road is not in good repair, they shall direct the supervisors to have the same put in good repair, and the cost of said repairs shall be recoverable by said supervisors, of said contractor or contractors, as other debts of equal amount are by law recoverable, with costs of suit.

SECTION 23. The supervisors of the several townships in said county shall be allowed such compensation for their services as the auditors of their respective townships shall deem just & equitable.

Repeal, &c. SECTION 24. So much of the act of assembly, relative to roads and highways, as is inconsistent herewith is hereby repealed, so far as the same relates to the said county of Delaware.

J.R. Putherford, supt. to be credited with \$500 damages p'd by him to widow M'Quoide. SECTION 25. That the accountant officers be authorized to credit John P. Rutherford, late superintendent, &c., with the sum of five hundred dollars, damages awarded to the widow of Thomas McQuoide, deceased, by the Board of Appraisers, in consequence of the opening of State street from the Capitol to the Canal, which said sum of five hundred dollars was paid by the said Rutherford to the said widow McQuoide, by direction of the board of Canal Commissioners.

Weights & measures in Phila. &c. SECTION 26. That from and after the passage of this act, the powers, duties and emoluments of the regulator of weights and measures, of the city and county of Philadelphia, and his successors in office, shall be such as are hereinafter defined and established.

Regulator to keep standards to regulate w'gts measures, &c. SECTION 27. That the regulator of weights and measures shall keep in his custody and possession while in said office, all the standard weights and measures of the city and county of Philadelphia, except the dry measures of a greater capacity than one quart, and shall by them regulate and adjust all the weights and measures of the said city and county of Philadelphia, pursuant to the provisions of this act, that is to say : he shall, by the said standards, adjust all weights and measures, or such as admit of being adjusted, together with all beams and scales, which he shall stamp with a suitable seal, to be procured by him for the purpose, in such manner as to show the year in which they were stamped.

Annual notice to be given where regulator's office is held. SECTION 28. That the regulator of weights and measures of the city and county of Philadelphia, shall, at least once in each year, advertise in two or more newspapers in said city or county, the place where his office is held, and it shall also be the duty of said regulator of weights and measures, at least once in each year, to go to the stores, houses, stalls, and offices of the makers, venders or proprietors of beams, scales, weights and measures in the said city and county, and try and adjust (or cause to be adjusted) all beams, scales, weights and measures, and seal the same with the initial of his last or surname and the current year ; for which trial and adjustment he shall demand and receive the following fees, to wit : for the trial and balancing of every set of scales, ten cents ; of every patent balance, twenty cents ; of every set of coal or hay scales, two dollars and fifty cents each ; and of every yard measure, six cents ; of every gal-

His duty. lon, half gallon and quart measure, four cents each ; of every

Fees for trial & adjustme't of certain weig'ts mea-sures, and scales.

pint, or less, three cents; of every weight, twenty-eight pounds or more, twelve and a half cents; of every weight less than twenty-eight pounds, four cents each; and an additional charge for lead, labour or other materials for adjusting the said beams, scales, weights and measures, at the current value of labor and materials furnished, and no more; and if the said makers, venders or proprietors of beams, scales, weights and measures, or any of them, shall find it inconvenient to have them adjusted and sealed, or for any other cause, the said beams, scales, weights and measures shall not have been adjusted and sealed when said regulator attends, they shall be required to bring the same to his office before using them, and have them adjusted and sealed, for which he shall receive the same fees as if done at the houses, stalls, stores or offices of said makers, venders or proprietors: *Provided always*, That for the sealing of such beams, scales, weights and measures, as are or shall be correct, and have been sealed the previous year, he shall demand and receive only one half the aforementioned fees. Proviso.

SECTION 29. That in case any maker, vender or proprietor of beams, scales, weights or measures, within the city and county of Philadelphia, shall neglect or refuse to comply to comply with the requisitions which the regulator of weights and measures of the city and county is authorized and directed to make, by the twenty-eighth section of this act, or shall sell by false beams, such person or persons so offending shall, for each and every such offence, forfeit and pay the sum of five dollars, which may be sued for and recovered as debts of the like amount are by law recoverable, for the use of the poor of the city, district or township in which such fine shall have been incurred: *Provided*, That the provisions of the twenty-eighth & twenty-ninth sections of this act shall not be so construed as to extend to such beams, scales, weights and measures, as shall not be used by the proprietors thereof, for the purpose of buying or selling by the same. Penalty for neglecting to comply.

SECTION 30. That James Ronaldson, Francis Lyon, Andrew Hooten, James Enue, junior, Thomas E. Griswold, Thomas Barnett, Samuel F. Reel, Robert L. Loughhead, James Murphy, James A. Campbell, or their associates and successors, be and they are hereby incorporated under the name, style and title of the "Moyamensing Library and Literary Association," with all the rights, powers and privileges conferred on the Franklin Library company, of Ten Mile, in the county of Washington, by the act incorporating the same, passed the seventh day of March, A. D. one thousand eight hundred and twenty-seven. Moyamensing Library and Literary Association incorporated.

SECTION 31. It shall be lawful for the mayor, aldermen and citizens of Philadelphia to erect a City Hall, on any part

Authorities of Phila. city empowered to erect a city Hall on Penn square of the lots of ground in the said city, now known by the name of Penn Square, and the mayor, aldermen and citizens of Philadelphia shall have the control and management of said Square: *Provided*, The expenses of erecting said Hall shall be paid out of the treasury of said city: *Provided*, The consent of the commissioners of the county of Philadelphia be first had and obtained, should the county aforesaid have any legal claim to the same.

SECTION 32. That the sale made to George W. Harris, of any portion of the estate of Christian Ley, late of the county of Lebanon, deceased, by John Ley and Christian Ley, surviving administrators of said deceased, since the death of Peter Batdorff, one of the administrators of said deceased, after having been approved of by the Orphans' Court of Lebanon county, as directed by the act of the fifth day of April, one thousand eight hundred and thirty-two, shall be as valid and effectual, and of like effect to pass the title of Christian Ley, deceased, as if the said Peter Batdorff, deceased, had been a party to such sale; and that Augustus Holmes, the administrator de bonis non of the aforesaid Christian Ley, deceased, is hereby authorized and empowered, under the direction of the Orphans' Court of the proper county, to sell, at public sale, upon thirty days notice given in one or more newspapers printed in the counties of Berks, Dauphin, Lebanon and Clearfield, the remaining parts of the real estate of the said Christian Ley, deceased, situate in the counties aforesaid: *Provided*, That the said administrator de bonis non shall give sufficient security for the faithful and proper application of the proceeds of the sale or sales of said lands or real estate as the Orphans' Court of Lebanon county shall direct; and all sales of real estate so made, as aforesaid, shall vest in the purchaser or purchasers thereof, the same titles which Christian Ley, in his life time, had and held in the same, the Orphans' Court of the said county of Lebanon, first approving of such sale or sales.

SECTION 33. That all the provisions contained in the act, passed the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An act relating to the attachment of vessels extended," are hereby extended to venders of copper sheathing.

SECTION 34. That the several provisions of the act of sixteenth of June, one thousand eight hundred and thirty-six, entitled "An act relating to the lien of Mechanics and others upon Buildings," are extended to wharf builders and all concerned in the making or constructing of the same.

SECTION 35. That the deputy surveyor of the county of Warren is hereby authorized and required to procure a suitable book, and cause the surveys made by the deputy

surveyor of said county to be entered therein according to Dep. Survey- the order and date of said surveys, accompanied with a or of Warr'n suitable index thereto, the expense thereof to be paid by the co. to per- county commissioners, and the entries therein shall be deem- form certain ed prima facia evidence of said surveys; also that the com- duties. missioners of the county of Warren shall cause to be trans- cribed in a suitable book all the assessments heretofore made in said county, and that such transcripts, duly certified by the clerk of said commissioners, shall be deemed prima facia evidence of the things therein contained.

WHEREAS, the sum of fifty-three dollars was paid by Preamble re Ambrose Gaylord, junior, of the township of Braintrim, in the county of Luzerne, to the commissioners, appointed by monies paid the act entitled A further supplement to the act entitled an by A. Gay- act to authorize the Governor to incorporate a company for lord. erecting a bridge over the Sasquehanna river, at the borough of Wilkesbarre, in the county of Luzerne, passed the thirteenth day of March eighteen hundred and twenty-four, and through mistake applied to lot number seventeen instead of lot number fifteen as was intended, and will more fully appear on reference to the receipt of the said commissioners given for the payment thereof: Therefore,

SECTION 56. That the Secretary of the Land Office be au- Sec. of L. Of- thorized, on the holder of the receipt given by the commis- sioners aforesaid, for the payment of the said sum of fifty- fice to apply three dollars on the lot number seventeen, presenting the lot No. 15. same for that purpose, to apply the same towards the purchase money on lot number fifteen, in the same division of lands in said township, in the same manner as though it had in the first instance been paid on said lot number fifteen.

SECTION 57. That the commissioners of the Sinking Fund Comm'rs of the county of Philadelphia, be and they are hereby autho- Sinking rized to invest the monies coming into their hands, from Fund, Phila. time to time, under the provisions of the fortieth section of co., to in- an act passed June sixteenth, A. D. eighteen hundred and vest certain thirty-six, entitled "An act regulating Election Districts, monies. and for other purposes," in such stocks or securities as may be approved by the court of Common Pleas of the city and county of Philadelphia.

SECTION 58. That it shall, and may be lawful, for the Phila. Tren- Philadelphia and Trenton Railroad company, to extend a ton R. R. Co, branch of their railroad, under the provisions of their char- to extend a ter, from some suitable point at or near the village of Brides- branch. burg, in the county of Philadelphia, and to terminate in the village of Bridesburg, and for this purpose, if it shall be found more advisable with the assent of the county commis- sioners of the county of Philadelphia, to locate the said branch

Proviso.

and lay rails on the route of the public road leading from the railroad to the said village : *Provided*, That no change of location of said railroad, or any part of the same, shall be lawful without the assent of the court of Quarter Sessions of said county.

Vacant ground attached to Phila. prison to be kept for a parade ground.

SECTION 39. The inspectors of the Philadelphia county Prison, are hereby authorized and directed to have the part or parts of the vacant ground attached to said prison, prepared and kept for a parade ground for the volunteers and militia of the city and county of Philadelphia ; the Major General and Brigadier Generals, of the first division of Pennsylvania militia, to ordain regulations for the government of said parade ground.

Jackson Greys of York co.

SECTION 40. From and after the passage of this act, the Jackson Greys, (volunteer company,) of Shrewsburg, York county, Pennsylvania, shall be exempt from training with the militia or with the volunteer battalion, to which they have been heretofore attached, except at the discretion of their officers : *Provided*, the said Jackson Greys shall meet the proper number of days required by law, in their company capacity.

Rel.to weigh ing canal boats & their cargoes.

SECTION 41. That it shall be the right and privilege of the owner of the cargo of any boat on any canal in this commonwealth, if dissatisfied with the weight of the cargo, or empty boat, as decided by the weighmaster of such canal, to have it re-weighed when and where the same may be required by such owner ; and in order to ascertain the true weight of the empty boat, it shall pass upon the scale in the same state and with the same boat furniture, fixtures and appendages as when weighed with the cargo on board.

Murtha T. J. D & M. legitimated.

SECTION 42. That Thomas Murtha, John Murtha, David Murtha and Mary Murtha, children of Thomas Murtha, of the Northern Liberties, of the county of Philadelphia, shall have and enjoy all the rights, benefits and advantages of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 97.

An Act

Relative to the laying out of a certain State Road from Curvinsville, Clearfield county, through the towns of Indiana and Saltsburg, in Indiana county, and through Westmoreland county to East Liberty, in Allegheny county, and for laying out certain other state roads, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Alexander Patteson, of Indiana county, George M'Combs, of Allegheny county, William M'Cutchen, of Westmoreland county, and Moses Boggs, of Clearfield county, be and they are hereby appointed commissioners to view, lay out and mark a State road, leading from Curvinsville, in Clearfield county, through the towns of Indiana and Saltsburg, in Indiana county, and through the county of Westmoreland, to East Liberty, in Allegheny county, by the nearest and best route.

Commiss'rs to lay out State road from Curvinsville, in Clearfield co to E. Liberty in Alleg'y co

SECTION 2. It shall be the duty of the said commissioners, or a majority of them appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit, and further it shall be the duty of the said commissioners, to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may affect the route, so that, by a judicious combination of them, the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem

Duties of commissioners and their compensation.

allowance of two dollars each, for every day they shall be necessarily employed in performing the duties of this act, together with all necessary provisions; and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor at two dollars per day, two chain bearers and one axe-man, at a per diem allowance not exceeding seventy-five cents.

Time when
commiss'rs
shall meet.

SECTION 3. The said commissioners shall meet on or before the first Monday in August next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the Governor, or the court of Quarter Sessions of the county in which the commissioner shall reside, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies.

Commiss'rs
to make a
draft of the
road and de-
posit a copy
in the secre-
tary's office.

SECTION 4. It shall be the duty of the commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

Accounts of
commiss'rs—
how settled.

SECTION 5. The accounts of the commissioners for their own pay and for the pay of surveyors, chain carriers, and markers, shall be adjusted by the commissioners of the respective counties through which the said road shall pass, and paid by the treasurers thereof on warrants drawn in the usual way.

Commiss'rs
to take ac-
quittances or
releases from
damages.

SECTION 6. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass through such person or persons' land or lands, and file the same in the commissioners' office of the proper county.

SECTION 7. William McHenry and William Field of Bucks county, and Robert Dunn and David Rogers of Montgomery county, be and they are hereby appointed commissioners to view, lay out and mark a State road from Doylestown, in the county of Bucks, by the Castle Valley bridge, to intersect the Philadelphia and Bethlehem Turnpike road, to a point at or near Gikeson's tavern, or near the Spring House tavern, in Montgomery county, with like powers, privileges, and subject to the same restrictions contained in this act.

SECTION 8. John Huston, Joseph Keller, and William Overfield of Monroe county, James M. Porter, M. Robert Butz of Northampton county, and Albert G. Brodhead of Luzerne county, be and they are hereby appointed to view, lay out, and mark a State road, commencing at Howell's mills, seven miles north of Easton, on the river Delaware, in Northampton county, to pass near the west end of the Belvidere bridge, over that river and through Stroudsburg, in Monroe county, and by White's Haven, on the river Lehigh, to a point on the Susquehanna and Lehigh Turnpike road, between Beaver Meadow, in Northampton, and Conynghamtown in the county of Luzerne, with like powers and privileges, and subject to the same restrictions contained in this act.

SECTION 9. That Robert Wray of Armstrong county, Benjamin Walker, senior, and Jacob Beelor of Indiana county, be and are hereby appointed commissioners, to view, lay out and mark a State road, beginning at the town of Warren, in Armstrong county, to intersect the turnpike at the town of Shaloceta, and thence to Johnston's mill, on Plum creek, to intersect with the turnpike at the town of Smithsburg, in Indiana county.

SECTION 10. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where, by moderate filling and bridging, the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of

Compensa-
tion, &c.

the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of two dollars each, for every day they shall be necessarily employed in performing the duties of this act, together with provisions, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor at two dollars and twenty-five cents per diem, two chain-bearers and one axe-man, at a per diem allowance not exceeding seventy-five cents.

Commiss'rs
to make draft
of the road
and deposit
a copy in
Secretary's
office.

SECTION 11. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the court aforesaid.

Accounts—
how applied.

SECTION 12. The accounts of the said commissioners for their own pay and for the pay of surveyors, chain-carriers, markers, and for provisions, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Time of
meeting of
Commiss'rs.

SECTION 13. The said commissioners shall meet on or before the third Monday in May next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby

authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 14. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass through such person or persons' land or lands, and file the same in the commissioners' office of the proper county. Commiss'rs. to take acquittances or releases, &c.

SECTION 15. That the proceedings of David Petriken, Edward McHenry, and E. G. Ricketts, in laying out and marking a State road from John Kile's tavern, on the North Mountain, in Lycoming county, through Rohrsburg to Orangeville, in Columbia county, in pursuance of the twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of an act entitled An act authorizing the laying out of certain State roads, and for other purposes, passed the twenty-fifth day of May, one thousand eight hundred and thirty-six, are hereby ratified, confirmed and made valid, so far as relates to the location of said road, in as full and ample a manner as if the requisitions of the act above mentioned had been literally and unequivocally complied with; and from henceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as other roads laid out by the courts. Proceedings of commiss'rs to lay out State road from Kile's tavern to Orangeville confirmed.

SECTION 16. That it shall and may be lawful for any person or persons to erect, maintain and keep up, any dam in the river Juniata, for the purpose of creating and maintaining water power for manufacturing purposes, at any point between the feeder dam, at or near Millerstown, in Perry county, and Lewistown in the county of Mifflin: *Provided*, Such person, bodies politic or corporate, shall first obtain the consent in writing of the owner or owners of the land or lands, which such dam shall be opposite to or adjoin, and upon which the water shall be swelled by the construction of such dam: *And provided further*, That such dam shall not interfere with or swell the water at any ford-where a public road shall lead to and from said river. Persons authorized to erect & keep up dams on the Juniata river for manufacturing purposes.

SECTION 17. That such dam shall be so built, constructed, maintained and kept up, as not to diminish the supply of water, or in any way create obstructions to the navigation of the canal or canals of the commonwealth, and that such dam shall not be built or erected without first having a careful examination, by a competent engineer, under the direction of the Dams so built, not to obstruct the navigation &c.

Consent of Canal Commissioners, of the site at which such dam is proposed to be built or erected, and the consent, in writing, of said board of Canal Commissioners, before the building of such dam is commenced, in which said commissioners shall direct the height such dam shall or may be built and shall otherwise restrict the person, bodies politic or corporate, who may make application to build such dam, in such manner as the said Canal Commissioners shall deem necessary, to prevent injury to said canals, and the navigation thereof; nor shall such dam, at any time after the same is built, be raised or altered without the consent of the said commissioners being first obtained, as above directed: *Provided*, That the expense of the examination by an engineer, authorized by this act, shall be paid by the person at whose instance said examination shall be made.

Proviso.

That the expense of the examination by an engineer, authorized by this act, shall be paid by the person at whose instance said examination shall be made.

Canal Commissioners not to be liable for damages, &c.

SECTION 18. That the said Canal Commissioners shall enter into a contract with the person or persons who shall ask leave to build and erect such dam, in which they shall provide that if at any time thereafter the commonwealth shall see proper to change the location of the dam or dams now in said river, used as feeder dams, or in any way change the location or alter the present plan of the canal or public works, so as to interfere with or injure the dams and manufactories erected in pursuance of this act, the commonwealth shall have full power to do so, without being held liable to the owner or owners thereof for any injury or

Contract, &c. to be filed in the office of Canal Commissioners; Legislature reserves the right to repeal, &c.

damage said owner or owners may sustain by such construction, alteration or change, which contract, together with a copy of the writing specified and mentioned in the preceding section of this act, shall be filed in the office of said board of Canal Commissioners; and the legislature reserve the right of repealing this act, and of altering and amending the same when and in such manner as they shall deem the public interests to require, and may resume the rights and privileges hereby granted for any misuse or abuse of the same.

Courts of Quarter Sessions to appoint viewers for a private road under ground to coal mines.

SECTION 19. That, from and after the passage of this act it shall and may be lawful for the several courts of Quarter Sessions, upon application of any person or persons for a private road, under the surface of any land, to coal mines to cause a view to be had of the said premises, and upon return of viewers that said road is necessary, then the said court shall cause the same to be entered on record, and thenceforth such road shall be deemed and taken to be a lawful private road, shall be opened by the person or persons making application for the same, and shall be kept in repair at their exclusive cost: *Provided*, That the viewers appointed as aforesaid, before making their return to the

Proviso.

court, shall assess the amount of damages sustained by the owner or owners of lands through which the road shall be made, and embody the same in their report to the court, which damages, as assessed by said viewers, shall be paid by the person or persons making application for such road, to the owner or owners of such land.

SECTION 20. That the village Freedom, in the county of Beaver, shall be and the same is hereby erected into a borough, which shall be called the Borough of Freedom, and shall be comprised within the following boundaries, to wit: beginning at a Sugar tree on the bank of the Ohio river, thence north fifty-two and a half degrees east, sixty-four perches to a post, thence south thirty-seven and a half degrees east, one hundred and sixty-three perches to the margin of Dutchman's run, thence, down said run, south fifty-two and a half degrees west, twenty-six perches to a stump, thence south sixty-four degrees west, forty perches to the mouth of Dutchman's run and bank of the Ohio river, thence down the Ohio river, one hundred and seventy-five perches, to the place of beginning.

The village
of Freedom
in Beaver co.
erected into
a borough.
Boundaries.

SECTION 21. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the place appointed by the electors on the third Friday of March in every year, and then and there elect, by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein who shall be styled the burgess of the said borough, and five citizens residing therein who shall be a town council, and two persons to be returned for high constable; but previously to such election the inhabitants present shall elect two respectable citizens as judges, one as inspector and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal-practices as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of the said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspectors and clerks, to perform the same with fidelity, and after the said election shall be closed shall declare the person having the greatest number of votes to be duly elected; and in

Election of
borough offi-
cers.

case any two or more candidates shall have an equal number of votes the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation, removal or refusal to accept, or neglect or refusal to act after acceptance, of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council, shall issue his precept directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of town council shall advertise and hold an election, in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in said borough.

Vacancies,
how filled.

Name, style
and title.

Rights and
privileges.

Liabilities.

Seal.

Penalties for
refusing to
perform official
duty.

SECTION 22. From and after the third Friday of May next, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of Freedom, and shall have perpetual succession, and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold, and possess goods and chattels, land and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of one thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the same name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, the same from time to time, at their will, to change and alter.

SECTION 23. If any person, an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of ten dollars; and if any other person, duly qualified as aforesaid, shall be duly elected to any other office in said borough, enacted by this act, and having notice of his election shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars, which fines, forfeitures, and all others in pursuance of this act, or

of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation : *Provided*, That no person shall be compelled to serve more than one year in any term of three years ; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of Common Pleas, upon giving security according to law to prosecute his or their appeal with effect, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties. Proviso.

SECTION 24. The burgess shall take and subscribe an oath or affirmation, before one of the associate judges or justice of the peace for the county of Beaver, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of the burgess of the borough of Freedom, and, when so qualified, he shall administer an oath or affirmation to the council, high constable or town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of the said corporation. Borough officers to take an oath or affirmation.

SECTION 25. The town council may meet by their own authority, as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares, and common ground belonging to said town within the said borough; for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew, as the occasion may require, and also to assess, levy and collect a tax for said purposes, and also, annually, to appoint a town clerk, treasurer, street commissioner, overseer of the poor, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough : *Provided*, That the said ordinances, rules and regulations, shall not be repugnant to the constitution or laws of the United States or of this commonwealth : *And provided also*, That no tax shall be laid by them in any one year to exceed one half of a cent in the dollar on the valuation of taxable property, taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing, under Powers of town council
Taxes.
Proviso.
2d Proviso.

their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough, shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Duty of
town clerk.

SECTION 26. It shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Treasurer to
give security

SECTION 27. The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery, into the hands of his successors, of all monies, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Accounts to
be adjusted
& published.

SECTION 28. The street commissioners, treasurers, constable and overseer of the poor, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council, once in every year, for settlement, and the said accounts, being adjusted and settled accordingly, shall be forthwith published by the said council showing particularly the amount of taxes laid and collected and of the expenditures.

Notice of
election.

SECTION 29. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.

Election of
constable.

SECTION 30. It shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Freedom, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, with like power and authority and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning borough constables within this commonwealth, and the constable so appointed shall do and perform all the duties required

Powers.

Du.

to be done by the high constable of said borough, in pursuance of this act and of the by-laws and ordinances of said borough; and the said constable of the borough of Freedom shall have, exercise and possess, within the said borough, all the powers and duties of the constables elected in the several townships in the said county of Beaver, and before he shall enter upon the duties of his office shall take and subscribe the same oath as other constables, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount with at least one sufficient surety, to be approved of by the court of Quarter Sessions of said county, in the same manner as now with reference to the several constables of the several counties within the commonwealth, and for the same uses and trusts, to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; the said court shall have the same power to appoint another person as the court of Quarter Sessions in the several counties in this commonwealth have and possess by law, to appoint a constable in any of the townships in the several counties of this commonwealth.

SECTION 31 The burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal, and, prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which, and of the amount of his or her tax and the place where the appeal will be held, the collector shall notify each taxable by a written notice, in the usual manner, at least ten days before the day of appeal, and when the said tax shall have been properly adjusted it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies by the laws of this commonwealth, and the amount so collected shall be paid into the treasury for the use of the corporation.

SECTION 32. In the absence from the borough or inability of the burgess, it shall be the duty of the first named of the town council, who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

SECTION 33. In any meeting of the burgess and town council, it shall require at least three to form a quorum to transact business.

First electiⁿ
how to be
held.

SECTION 34. Stephen Philips and Martin Fisher, of said village, or either of them, shall publish and superintend the first election for borough officers, to be held on the third Friday of May next after the passage of this act, at the place appointed by the electors for holding the annual elections for said borough, and they are hereby directed to give five days notice, by advertisements, as before directed in other cases of elections, of the time and place of holding the same.

Commiss^rs
to lay out
State road
from Nesque-
honing to
Homestown.

SECTION 35. That Henry Boyer of Schuylkill county, and Samuel Barber and Nathan Allen of Northampton county, be and they are hereby appointed commissioners to view, lay out and mark a State road leading from the village of Nesquehoning, in Northampton county, to the road leading from Tamaqua to Homestown, in the county of Schuylkill.

Duties of
commiss^rs.

SECTION 36. It shall be the duty of the said commissioners, or a majority of them appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of two dollars each for every day they shall be necessarily employed in performing the duties of this act, together with all necessary provisions; and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor at two dollars per day, two chain bearers and one axe man at a per diem allowance not exceeding seventy-five cents.

Compensatiⁿ

SECTION 37. The said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as

practicable, at such places as a majority of them shall agree upon, (and complete the location of said road as soon as practicable) and if any vacancy or vacancies shall happen by resignation or any other cause, the Governor or the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 38. It shall be the duty of the commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of November next, and one copy in the office of the clerk of the several courts of Quarter Sessions of the counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by orders of the courts aforesaid.

Draft of road
to be filed in
Secretary's
office, &c.

SECTION 39. The accounts of the commissioners, for their own pay and for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which the said road shall pass, and paid by the treasurers thereof on warrants drawn in the usual way.

Accounts—
how adjusted

SECTION 40. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass through such person or person's land or lands, and file the same in the commissioners' office of the proper county.

Commiss'rs
to take re-
leases.

SECTION 41. That James D. White and Enoch Marvin of Beaver county, and John Wilson of Mercer county, be and they are hereby appointed commissioners to view, lay out and mark a State road, from or near where the boundary line, between the counties of Beaver and Mercer, intersects the western boundary line of Butler county, thence along or as near the said boundary line, between Beaver and Mercer counties, as the nature of the ground and other circumstances will admit, to where the State road from Pearson's mill to the Big run crosses the line, between the said counties of Beaver and Mercer, thence, by the shortest and best route, to or near the borough of New Castle in Mercer

Commiss'rs
to lay out
State road
from the
western line
of Butler co.
to borough of
New Castle,
Mercer co.

county ; and the said commissioners are hereby authorized and required to review, and if they shall find it necessary and advisable, to re-locate on other ground the State road from Pearson's mill to the Big run, and to vacate such part or parts of the said road from Pearson's mill to the Big run as they shall alter or supply by a new location; and the said, commissioners shall be allowed one dollar and fifty cents, each, per day, for every day necessarily spent in performing the duties hereby enjoined on them, which, together with all reasonable expenses for surveyor or any other necessary hands, shall be paid by orders drawn by the county commissioners on the treasurers of their respective counties.

Duties of
commiss'rs.

SECTION 42. It shall be the duty of the said commissioners, respectively, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace who shall file and preserve the same in his office, to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out or altered may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and the circumstances will admit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where, by moderate filling and bridging the declination of the road may be preserved within that limit ; and further, it shall be the duty of said commissioners respectively, to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same ; and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition to his per diem pay.

Draft of road
to be filed in
Secretary's
office, &c.

SECTION 43. It shall be the duty of the said commissioners, respectively, to make out a fair and accurate draft of the location of said roads, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said roads may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof,

and from thenceforth the said roads shall be, to all intents and purposes, public highways, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

SECTION 44. The said commissioners shall meet on or before the first Monday in July next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said roads as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment. When commissioners shall meet.
Vacancies how filled.

SECTION 45. That from and after the passage of this act the court of Quarter Sessions of Mercer county, on being petitioned to grant a view to lay out or vacate a public or private road, shall appoint three reputable citizens one of whom shall be a practical surveyor, who in the opinion of the court shall be competent to grade the road to be viewed, and who shall receive a per diem compensation of one dollar and fifty cents for every day necessarily spent in viewing locating and plotting said road, the other two viewers to receive the same compensation as is now allowed by law; that if only two of the said viewers shall meet (the surveyor being one,) they shall have power to supply such vacancy by appointing a suitable person in the room of the delinquent viewer; that they shall all examine the ground; any two of them (the surveyor being one) shall have power to locate and grade the road and shall, in their plot or draft accompanying their report, designate what portion of said road was necessary to be graded; and that no road laid out under this act shall be confirmed by the court, unless it can be graded at an elevation of not more than six degrees from the plane of the horizon, or cannot be easily reduced to that elevation; and it shall be lawful for the said viewers to take to their assistance two suitable persons as chain bearers, who shall take an oath or affirmation (to be administered by one of the said viewers) to perform the duty of chain bearers, who shall receive a compensation of seventy-five cents per day for every day necessarily spent, in the same manner as viewers are paid. Court of Q'r Sessions of Mercer Co. to appoint viewers to road.
Compensat'n
Powers and duties.
Chain bearers employed.
Compensat'n

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 98.

An Act

Authorizing the Governor to incorporate the Bristol Steam Tow-boat and Transportation company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William T. Rogers, Samuel D. Ingham, Daniel Parry, Samuel Breck, James R. Scott, John Bessonet, John Phillips, Joseph M. Downing, William F. Swift, John W. Vandegrift, Morris Buckman, John Paxson, Lewis S. Coryell, Robert Lovett, Courtland Yardley, Daniel Y. Harman, John T. Neely, A. C. Brittain, Sands Alcott, Joseph F. Warner, Stacey Brown, of the county Bucks, John Naglee, Isachar Pugh, Benjamin Duncan, Edmund B. Meixsell, Pierson A. Reading, Matthew C. Jenkins, Samuel Moore, Francis B. Nichols, Joseph H. Newbold, Richard R. Ipain, William O. Kline, Hugh Clark, Marshal Sprogel, Truman M. Hubbell, John Bender, Wm. Rheiner, Benjamin E. Carpenter, Philip Miller, sr., Samuel Butcher, (mason) Stratton Virdon, Daniel Bender, John White, John Andrews, Thomas Dunlop, Joseph White, Joslen Emlen and Frederick Brown, of the city and county of Philadelphia, and Peter S. Michler, Jacob Able, David Conner, Andrew H. Reeder, William L. Sebring, Charles W. Mixsell, of the county of Northampton, William Overfield, Morris D. Robeson, of Monroe county, Oliver S. Dimmick of Pike county, Joseph B. Walton, George Bush of Wayne county, Bird Patterson, John C. Offerman, of Schuylkill county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any three of them, shall on or before the first day of July next procure books, one of which shall be opened at Philadelphia, Bristol, New Hope, and Easton, in each of which they shall enter as follows, viz: We and each of us whose names are hereunto subscribed do promise to pay to the directors of the Bristol Steam Tow-boat and Transportation company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportion, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act*

Commiss'rs
to sell the
stock of the
Bristol Tow
boat and
Transporta-
tion Co.

When and
where books
shall be
opened.

Form of sub-
scription.

entitled An act authorizing the Governor to incorporate the Bristol Steam Tow-boat and Transportation company; Witness our hands in the year one thousand eight hundred and thirty-eight; and shall thereupon give at least ten days previous public notice, in two of the daily papers Notice. printed in the city of Philadelphia, and like notice in two of the papers printed in the county of Bucks, of the times when and the places where some one or more of the aforesaid Who may subscribe. commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books 2000 shares two thousand shares, and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time and transfer the books elsewhere, in Pennsylvania, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may seem to them \$5 to be paid to require, but no subscription shall be valid unless the on each person so subscribing shall pay to the said commissioners at share. the time of subscribing, the sum of five dollars on each share of stock for the use of the company: *Provided*, That no per. Proviso. son or persons shall be permitted to subscribe more than five shares the first day, ten shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken.

SECTION 2. When one thousand shares shall be actually subscribed, the said company, or a majority of them, shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate Letters patent the Governor shall, by letters patent under his hand and seal tent. of the commonwealth, create and erect the subscribers into a body politic and corporate, in deed and in law, by the Name, style and title. name, style and title of the Bristol Steam Tow-boat and Transportation company, and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may Privileges and liabilities. sue and be sued, plead and be impleaded in all courts of record and elsewhere, may purchase, receive, hold and enjoy to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and all estates, real and personal and mixed, of what kind and quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portion of the profits as

Seal. they may deem proper, and also may make and have a common seal, and the same alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall be lawfully appertained to do, for the well being of the said corporation and the due arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchise, but such as may be necessary or incident in conducting the business of the corporation.

Election of directors. SECTION 3. For the management of the affairs of the said corporation seven directors shall be elected, by ballot, annually, by the stockholders of the said company; the votes to be delivered in person or by proxy, duly authorized; which directors shall appoint one of their own number to be president, and shall, respectively, serve one year or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the laws of the United States or of this commonwealth, as may be necessary for the well ordering of the said company: *Provided*, None but stockholders, citizens of Pennsylvania, shall be eligible to be elected directors, and that at every such election, and in all cases in which the stockholders shall be called upon to vote, each share of stock not exceeding five shares shall be entitled to one vote; every three shares above five and not exceeding twenty, one vote; every ten shares above twenty shares and not exceeding fifty, one vote; and no number of shares above fifty shall confer any additional right of voting; and also, that in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected: *And provided also*, That no share or shares of stock shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previous to the said election or meeting, and that all votes by proxy be on such terms and conditions as are prescribed by the act, passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled

Powers.

Proviso.

2d Proviso.

3d Proviso.

An act to regulate proxies: *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented, except the first election.

SECTION 4. The aforesaid commissioners, or a majority of them, shall, as soon as practicable after the said letters patent shall have been obtained, give at least ten days previous public notice in the newspapers hereinbefore mentioned, of

the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing seven directors, as provided for in the preceding section, and that annually thereafter, shall meet on the second Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors of the time being, in such newspapers as they may deem advisable : *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time on notice as aforesaid; that until such an election be held the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election : *And provided also*, That in case of vacancy from death or resignation of any director, his place shall be filled by the board of directors.

Annual elec-
tion.

Proviso.

2d Proviso.

SECTION 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon ; four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore ; the said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary, and shall fix their compensation, and may demand adequate security for the performance of their respective trusts, they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money on their respective shares, and to forfeit for the use of the company the share or shares of every person failing to pay any instalment so required, to regulate freights and towing to make such covenants, contracts and agreements with any person or body politic whatsoever, as to the execution and management of the work and the convenience and interest of the company may require, and in general, to superintend and direct all receipts and disbursements, and other affairs and proceedings of the company: *Provided*, Any boat, vessel or other craft navigating the Delaware division of the Pennsylvania canal or river, shall not be charged for towing between Bristol and Philadelphia, over eight cents per ton, between Bristol and Bordentown not over six cents per ton ; boats returning empty or less than half loaded, from Philadelphia to Bristol, to be charged two dollars for the boat and not more than eight cents per ton on the cargo ; from Bordentown to Bristol, one dollar and fifty cents for the boat, and not more than five cents per ton for the cargo; and five dollars for every single raft, and ten dollars for every double raft.

Time and
manner of
meeting of
directors.
Quorum.

Powers.

Proviso.

Certificates
of stock.

SECTION 6. The directors first chosen, as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president and countersigned by the treasurer and sealed with the common seal, subject however to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws: *Provided*, That after any instalment shall have been directed to be paid, no share of said stock shall be transferable until the said instalment shall be paid.

Proviso.

Directors
annually to
make a state-
ment, &c.

SECTION 7. At each annual meeting of the stockholders the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors, or by the stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, and specifying moreover the subject of the meeting, but no business shall be transacted at such special meetings unless a majority in value of the stockholders shall attend in person or by proxy.

Special
meetings
may be cal-
led.

325 shares to
be subscri-
bed by the
Gov'r, &c.

SECTION 8. That the Governor be and he is hereby authorized and required to subscribe, in behalf of the state, three hundred and twenty shares of twenty-five dollars each, to the stock of the Bristol Steam Tow-boat and Transportation company, and it shall be the duty of the Governor to draw his warrant in favor of the president and directors of said company, on the State Treasurer, for the amount of said subscription, to be paid at the same times and in the same proportions as by other stockholders, and that the second and third sections of the resolution authorizing superintendents of motive power on railways of the commonwealth to draw and disburse monies under certain conditions, and for certain purposes, passed the first April, one thousand eight hundred and thirty-six, is hereby repealed.

Repeal of 2d
& 3d sections
of resolution
of 1st April,
1836.

Steam tow-
boats to be
procured.

SECTION 9. The said company be and they are hereby authorized and required, as soon as they conveniently can, to procure steam tow-boat or boats, such as they may deem advisable, to be employed exclusively for the transportation of coal and other merchandise, rafts and other craft, between Bristol and Philadelphia, and between Bristol and Bordentown.

Dividends.

SECTION 10. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders

or their legal representatives, on demand, at any time after the expiration of ten days therefrom : *Provided*, That the said company shall make an annual statement to the legislature, and shall pay into the state treasury, annually, the dividends on the amount of the stock owned by the state, and eight per cent. on all dividends above six per cent. ; and if the said dividend shall amount to ten per cent. or upwards, then the said company shall reduce the charges for towage, so as to reduce the dividends to ten per cent. per annum.

SECTION 11. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said company.

SECTION 12. The provisions of this act shall not continue or remain in force for any greater length of time than until the first day of January, eighteen hundred and forty-six.

WHEREAS, The Governor is now authorized and required by law to subscribe stock in the Gettysburg and Hagerstown Turnpike Road company : *And whereas*, The necessity for said turnpike is in a great measure superseded by the location of the railroad from Wrightsville to Hagerstown : Therefore

SECTION 13. In lieu of the stock authorized to be subscribed in said Turnpike Road company, the Governor is hereby authorized and required to subscribe an equal amount, to wit : four hundred shares of fifty dollars each in the capital stock of the Wrightsville, York and Gettysburg Railroad company : *Provided*, A majority of the commissioners and stockholders of said turnpike road company consent thereto in writing, delivered to the Governor : *And provided further*, That the said money be expended (if all be necessary) in the payment of damages caused by the location of said road between Wrightsville and York : *And provided further*, That the said Wrightsville, York and Gettysburg Railroad company consent, in writing, delivered to the Governor on or before the first day of July next, that the damages caused or to be caused by the location of said road, not yet settled or assessed, shall be appraised by the State Appraisers, the cost to be paid by the company, and paid before any work shall be done on said road west of the borough of York. or secured to be paid within six months after said appraisement ; and all parts of the charter of said Wrightsville, York and Gettysburg Railroad, inconsistent with this act. are hereby repealed, if the above conditions be assented to by said company as aforesaid : *And provided*, That no stock shall be subscribed by the state to the Gettysburg and Hagerstown Turnpike Road company in case this act takes effect.

Proviso.

Legislature reserves the right to repeal.

Continuance of act.

Preamble.

Governor authorized to subscribe stock to the Wrightsville York & Gettysburg Railroad comp'y.

2d Proviso.

3d Proviso.

State Appraisers to assess damages.

Repeal of part of the original charter.

Proviso.

Preamble
relative to
stock to be
sub. by Bank
U. S. to the
Pine Grove
R. R. Co.

WHEREAS, by the sixth section of the act entitled An act to repeal the State Tax on real and personal property, and to continue and extend the improvements of the state by railroads and canals, and to charter a State Bank to be called the United States Bank, the said bank was required to subscribe twenty thousand dollars to the Warren and Pine Grove Railroad company : *And whereas*, The said railroad company is willing to release their right to the said subscription : *Provided*, The same shall be subscribed to the Warren and Ridgeway Turnpike company and the Warren Bridge company in equal proportions : Therefore,

Bank U. S.
may change
sub. to War-
ren & Ridg-
way Turn-
pike & War-
ren Bridge
Co.

SECTION 14. That the Bank of the United States be authorized to change the said subscription of stock from the Warren and Pine Grove Railroad company, to the Warren and Ridgeway Turnpike, and the Warren Bridge company, in equal proportions : *Provided*, That the commissioners of said Warren and Pine Grove Railroad company shall consent thereto : *Provided also*, That the Bank of the United States consent to the above transfer and subscription.

Doylestown,
in Bucks Co.
erected into
a borough.

SECTION 15. That the village of Doylestown, in the county of Bucks, comprised within the following limits, viz : beginning at a stone on the middle of a public road, a corner of lands of Josiah Y. Shaw and Abraham Garges, north forty-two and a half degrees east, one hundred and twenty-four perches, to a stake, in the line of land of Benjamin Morris, thence, on the line between lands of the said Benjamin Morris and Abraham Garges, south forty-nine and a half degrees east, eighty-one perches, to a marble stone, a corner of land of Sandham Stewart, thence, on the line between said Benjamin Morris and Sandham Stewart, and through said Sandham Stewart's land, north forty-one degrees east, ninety-five perches to a stake, in the middle of a public road sometimes called the Swamp road, and sometimes the New road, thence, by the middle of said road, north forty-eight and a half degrees west, two hundred and seventy-one perches, to a corner of Samuel A. Smith's land, thence, along the line of said Stewart and Smith, south forty-one and a half degrees west, nineteen perches and six tenths, to another corner of said land, thence, by the line of said Smith, north forty-eight and a half degrees west, twenty perches, to another corner of said Smith's land, thence, through the same, north seventy-three degrees west, sixty-one perches, to the north west side of the Easton road, thence, along the same, south three quarters west, eleven perches and six tenths, to a corner of James Kelly's land, thence, along the same and by lands of Abraham Chapman, north fifty-one degrees and a half west, forty seven perches and

Boundaries.

six tenths, to a corner of said Kelly and Chapman, thence, along the line between the same, south thirty-eight and a half degrees west, ninety-seven perches and two tenths to the dutch lane, thence, by land of Jacob Henry and Ann Preston, south forty-two and a half degrees west, twelve perches and three tenths, to a corner in the same, thence, south forty-seven and a half degrees east, twenty-seven perches and one tenth, by same to a corner in the land of Samuel Kachlin, thence south forty-two degrees and a half west, one hundred and forty-eight perches, on a line between the lands of said Kachline, Preston and Samuel Yardley, and through land of said Yardley and Richard Riale, to the Hill-town road, thence along the middle of the said road, and along the line between Timothy Smith and John Foulke's land, and through lands of said Smith and land late of Francis B. Shaw, deceased, south forty-eight degrees east, two hundred and forty perches to a stake, in land late of said Shaw, thence, through the same, north sixty-seven and a half degrees east, forty seven perches and three tenths, to a stake on the south west side of the Easton road, thence, across the same and through lands of Christian Clemens, north forty degrees and a half east, forty-five perches and eight tenths, to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called "The Name. Borough of Doylestown."

SECTION 16. It shall and may be lawful for all persons Election of entitled to vote for members of the State Legislature, and borough offi- who have resided within the limits of the said borough for cers. the space of one year, and who, after the first election, have paid a borough tax within two years, to meet at the place of holding the general election, in the town of Doylestown, on the third Monday of May in each and every year, or, after the first election, in such place as shall be directed by the council, and then and there between the hours of one and six in the afternoon, elect, by ballot, one citizen residing therein who shall be styled chief burgess of said borough, and one other citizen residing therein who shall be styled assistant burgess, and nine citizens residing therein to be a town council, and also shall elect, as aforesaid, a high constable, but previously to any such election the inhabitants, entitled to vote as aforesaid, shall elect two citizens who shall preside as judges, one to act as inspector and two to discharge the duties of clerks, according to the general election laws of this commonwealth, and subject to the same penalties for mal-practices as by the said election laws are now or hereafter may be imposed ; and the said judges, inspectors and clerks, before they enter upon the duties of their

	<p>respective offices, shall take an oath or affirmation before any justice of the peace in the said county of Bucks, to perform the same with fidelity, and when the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judges, inspectors and clerks, one of which shall be transmitted to each of the said persons elected, and the other filed among the records of the said corporation for safe keeping; and in case of vacancy, by death, resignation or otherwise of any of the said officers, the chief burgess, or in case of his absence or inability to act, the assistant burgess, shall issue his precept directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisement set up at four of the most public places in said borough : <i>Provided</i>, That it shall be the duty of the constable of the township of Doylestown, for the time being, to superintend the first election, of which he shall give ten days notice as aforesaid : <i>Provided also</i>, That no judge of the court shall be eligible to hold any corporate office in said borough, that at least five of the town council selected shall be freeholders residing in said borough, and that no ticket shall be counted at any election that does not contain the names of at least five freeholders; and it shall be the duty of the chief burgess or assistant burgess, to have the names of all the freeholders each year recorded in the town books, and a certified copy to be set up at the place of holding said borough election, at least ten days before the election ; the burgesses and town council, duly elected as aforesaid, and their successors, forever, shall be one body politic and corporate in law, by the name and style of the 'Chief Burgess, Assistant Burgess and Town Council of the borough of Doylestown, in the county of Bucks,' and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, forever, shall be capable in law, by the name and style aforesaid, to have, get, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions franchises and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars ; and also to grant, sell, let and assign the same lands, tenements, hereditaments and rents, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal and the same, from time to time at their will to change and alter, until it be otherwise directed</p>
Vacancies, how filled.	
Proviso.	
2d Proviso.	
Name and style.	
Rights and privileges.	
Liabilities.	
Seal.	

by law : *Provided*, No misnomer or failure of the election Proviso.
 of officers on the day appointed shall discontinue or dissolve
 the said corporation, but the officers, respectively, for the
 time being, shall continue in office until a new election
 shall be made at such time as the new council may direct :
And provided also, That neither the chief burgess nor the 2d Proviso.
 assistant burgess shall have any voice in the legislation for
 said borough, but that the same is vested in the council ex-
 clusively.

SECTION 17. If any person duly elected, whether chief
 burgess, assistant burgess, member of the town council or
 high constable, as aforesaid, having been notified as before
 directed, shall refuse to take upon himself the execution of
 the office to which he shall have been elected, every person Borough offi-
 so refusing or neglecting shall forfeit and pay the sum of curs refusing
 twenty dollars, which fine, and all other fines and forfeitures to act to for-
 incurred and made payable in pursuance of this act, or of feit \$20.
 the by-laws and ordinances of the town council, shall be re-
 covered before the chief burgess or any justice of the peace,
 in the same manner that debts not exceeding one hundred
 dollars are by law recoverable, and when so recovered shall
 be forthwith paid to the treasurer of the said borough for
 the use of the said corporation : *Provided*, That no person Proviso.
 elected as aforesaid shall be required to serve in either of
 the said offices for a greater length of time than two years,
 in any one period of eight years.

SECTION 18. The chief burgess shall take an oath or affir- Borough offi-
 mation before any justice of the peace in the said county, to curs to take
 support the constitution of the United States and of this state, an oath or af-
 and well and truly to discharge the duties of his office before firmation.
 he enters on the execution thereof, and shall thereupon ad-
 minister a similar oath or affirmation to the assistant bur-
 gess, and each member of the said council and high constab-
 le, and to the town clerk that shall be appointed by the said
 town council, and the certificates of such oaths or affirma-
 tions shall be recorded in the books of the said corporation,
 and the said chief burgess shall further have power and au- Chiefburg'ss
 thority to administer oaths or affirmations, when the same to administer
 may be necessary, in the investigation of any matter within oaths or affir-
 the cognizance of the said corporation. mations.

SECTION 19. It shall and may be lawful for the said cor- Regulation
 poration to have and to keep, within the said borough, two of markets.
 markets in each week, to wit : one market on Wednesday
 and one market on Saturday, together with free liberties,
 customs, profits and emoluments to the said market belong-
 ing.

- SECTION 20.** It shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the third Monday in May, August and November, and on the first Monday in February in each and every year, and to hold quarterly meetings if occasion requires, at which meetings they may enterly meet, act, revise, repeal and amend all such by-laws, rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, within the said borough, and removing nuisances and obstructions therefrom, and also assess, apportion and appropriate such taxes, as shall be determined by a majority of the said town council necessary for carrying the said rules and ordinances, from time to time, into complete effect; and the said town council shall, at their first quarterly meeting, appoint a town clerk, treasurer, and one person to act as street commissioner, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office, and shall also at the said first quarterly meeting, annually, select one of their number as president of the council, and they shall hold their said quarterly meetings and all others, in the court house in said borough, until a town house shall be created: *Provided*, That no by-laws, rules or ordinances of the corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be fined or punished for the breach of any by-law or ordinance, made as aforesaid, until ten days have expired after the promulgation thereof, by an advertisement in each of the English newspapers printed in said borough, and at least four advertisements set up in the most public places in said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not, in any one year, exceed one half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of two thirds of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who, if two thirds of the whole number approve thereof, may proceed to assess the same as aforesaid: *And provided also*, That no rule, ordinance or by-law of the said corporation shall, under any pretext, compel any person to incur any expense beyond the amount of the tax herein expressly provided for: *And provided also*, That the
- Quorum.**
- The council**
- Powers.**
- Proviso relative to by-laws.**
- 2d. Proviso relative to tax.**
- 3d Proviso.**
- 4th Proviso.**

said corporation shall not have power to interfere with any house, wall, or any other improvements now existing, or trees now growing within the streets of the said borough.

SECTION 21. All property, offices, professions and persons made taxable by the laws of this commonwealth, for county rates and levies, shall be taxable after the same manner by the said borough, and all taxes, rates and levies assessed, rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Bucks are by law recoverable. Property, of
fices, profes-
sions, &c. to
be taxed by
said borough.

SECTION 22. The said council shall have full power to pave or otherwise improve all or any of the foot ways and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground shall have the privilege of paving the foot way on their own front, at their own expense: *Provided*, They have it completed within sixty days after due notice in writing, given for that purpose by the council or their agent: *And provided*, That nothing herein contained shall be construed to give power to the council to compel any person to pave at his own expense. Footways &
gutters to be
paved and
improved.
Proviso.
2d. Proviso.
3d. Proviso.

SECTION 23. That the town council provide, by sufficient ordinances and penalties, that no cattle, sheep or swine shall be suffered to run at large in the said borough, and also shall make such regulations, with respect, to dogs as they may think necessary. Ordinances
& penalties
relative to
cattle, &c.

SECTION 24. The chief burgess elected agreeable to this act, or in case of his absence or inability to act, the assistant burgess, is hereby authorized and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and the same to pay over to the treasurer, and to carry into effect whatsoever is enjoined upon him, for the well ordering and governing the said borough. Chiefburg's
to issue his
precept for
collecting
tax.

SECTION 25. It shall be the duty of the high constable and all the officers appointed by the town council, to render their accounts to the said council once in every year, on the first Monday in May, which, being settled and adjusted by the said council, shall be published in all the English newspapers printed in said borough, showing particularly the amount of taxes levied, fines collected and all receipts and expenditures which shall have been made. Accounts to
be settled
once a year
& published.

SECTION 26. The chief burgess, elected and qualified agreeable to this act, is hereby required to cause the by-laws, rules and ordinances, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall cause the same to be carried into full execution without delay, after the publication thereof, as is directed by this act, and shall also have Chiefburg's
to have the
by-laws re-
corded & to
have power
to remit fines
&c.

power, on the payment of costs which may have accrued, to remit fines and forfeitures, in all cases when it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his, her or their behalf: *Provided*, That such remission be made before judgment rendered for such fine.

Proviso.

Duties and liabilities of town clerk.

SECTION 27. It shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, books, papers and documents relating to the said corporation, and be answerable for the same, and also for the faithful discharge of all duties which may be enjoined upon him by virtue of this act, or the acts of the corporation, whose attestation, with the seal of the corporation shall be good evidence of the act or thing so certified; the treasurer to be appointed pursuant to this act, shall give such security for the faithful discharge of the duties of his office as a majority of the said council shall deem reasonable and necessary, and the high constable shall give bond and security to the said corporation in such sum as the said council, or a majority thereof, shall deem necessary, conditioned for the faithful performance of all and singular the duties enjoined upon him, either by act, or by the by-laws and ordinances of the said council: *Provided however*, That if the said treasurer or high constable shall make default in performing the duties enjoined upon them, respectively, they or either of them may be removed from office by the chief burgess on complaint of a majority of the said council.

Treasurer & high constable to give security.

Proviso.

Court of appeal.

SECTION 28. The chief burgess, assistant burgess and president of the council, shall constitute a court of appeal, and, prior to the collection of any borough tax, the high constable shall inform each inhabitant of the amount of his tax and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power as such than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

Proviso.

Compensation to judges inspectors & clerks of elections.

Town council to fix the salaries of boro' officers

SECTION 29. The judges, inspectors and clerks of the elections aforesaid, shall be allowed, each, one dollar per day for their services in holding said elections, and the town council may from time to time, if they deem it necessary, affix the salaries of the town clerk, treasurer, street commissioner and such other officers as may be appointed under this act, which salaries shall be paid out of the borough treasury, by orders drawn thereon by the president of the council,

which salaries shall not be increased or diminished during the time for which the said officers were appointed.

SECTION 30. It shall not be lawful for the chief burgess, Burgess, assistant burgess, or either of the members of the town council, to receive any compensation for their services rendered in their respective offices, and the said high constable is hereby authorized and required to receive and execute all writs and process lawfully issued by the chief burgess or assistant burgess, within the limits of the said borough, and to do and perform all such other duties, in the same manner with the like power and authority, and subject to the same penalties and regulations, and shall receive the same fees as are provided and contained in the laws now existing or that may hereafter exist concerning constables of the several townships in the said county of Bucks; and further, the said high constable may and shall execute all process to him directed, by any judge or justice of the peace in the said county, in the same manner and for the same fees and to the same extent of territory as may or can be done by any of the said constables of the county aforesaid.

Duties of town constable.

SECTION 31. The said town council shall, at their first quarterly meeting held under and pursuant to this act, cause the lines and boundaries of said borough to be accurately surveyed, ascertained, fixed and permanently marked out, and shall cause an accurate plot or draft thereof to be made and recorded in the record book of said corporation.

Town council to fix the boundaries.

SECTION 32. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except what relates to the imposing and collecting the borough tax, and the appointments made by the town council, he, she or they may appeal to the next court of Common Pleas, to be held for the said county, upon giving security, according to law, to prosecute his, her or their appeal with effect, and the said court, having taken such order thereon as shall seem just and reasonable, the same shall be conclusive.

Right of appeal.

SECTION 33. From and after the passage of this act, the citizens of the borough of Doylestown shall be exempted from paying road tax to the township of Doylestown.

Exemption from road tax

SECTION 34. The inhabitants of the said borough, aforesaid, shall elect one assessor and two assistant assessors of the county taxes, for the said borough, at such time, under like regulations and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth, which said assessors and assistant assessors, so elected, shall have, use and exercise all and every

Assessor and two assistant assessors to be elected.

Powers and duties. the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter shall lawfully be used, had and exercised, or which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

Separati'n of the borough from the t'p. and of Doylestown. SECTION 35. From and after the passage of this act, the citizens and property in the borough of Doylestown, shall be distinct and separate from the township of Doylestown, in the assessment and collection of all state and county taxes, rates and levies.

Election to be held for accepting or rejecting the act of incorporation. SECTION 36. The citizens of said borough, qualified to vote as aforesaid, shall meet at the public house of William Field, on the third Thursday in May, eighteen hundred and thirty-eight, appoint five competent citizens, three to act as judges and two to officiate as clerks, whose duty it shall be, after being duly sworn and affirmed, to open, on said day, between the hours of two and six o'clock P. M., an election, and receive written or printed tickets labelled on the outside "borough," and on the inside "for the act of incorporation," or "against the act of incorporation," and after closing said election and counting and adding up the whole

Certified copies of election to be filed in Prothonotary's office. number of votes given, if there shall be a majority of said votes given in favor of accepting this act, it shall be the duty of the said judges and clerks to make out two certified copies of said election, one of which shall be filed in the Prothonotary's office, and the other deposited with the Secretary of the Commonwealth, and the provisions of the aforesaid act of incorporation shall be in full force: *Provided*, the constable of Doylestown township, or any five citizens of said Doylestown residing within the proposed borough boundaries, shall give twenty-one days notice of said election, to be published in at least two newspapers; and the said constable of Doylestown township shall be eligible to the office of high constable of said borough.

Proviso relative to notice of election.

Village of Newtown, in Bucks co., erected into a borough.

SECTION 37. That the village of Newtown, in the county of Bucks, comprised within the following limits, viz: beginning at a point on the south side of Bridge street in the middle of Newtown creek, thence, along the south side of said street, south eighty-two and a half degrees east six perches, thence, by the dividing line of the double range of Newtown common lots, north eleven degrees east one hundred and seven perches, to the middle of Church street, thence, along the middle of said Church street and through the land of Samuel Phillips, south eighty-two and a half degrees east, eighty-nine perches, thence through the land of the said Phillips, and land late of the estate of Enos Morris,

Boundaries.

and land of Edward Hicks, south ten degrees west, one hundred and fifty seven perches, thence, through the land of the said Hicks and Phineas Jenks, south sixty-four degrees west, fifty-three perches and two tenths, to the middle of Bristol road, thence, continuing the same course six feet from the north side of Cologne street, twenty-eight perches and eight tenths, thence, by the said street, south fifty-one and a quarter degrees west, fourteen perches and a half, thence south seventy-five degrees west, nine perches, to the middle of the said Newtown creek, thence along the same by its several courses to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called the Borough of Newtown.

SECTION 38. The sixteenth, seventeenth, eighteenth, nine- Certain
teenth, twentieth, twenty-first, twenty-second, twenty-third, sections of
twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, act incorpo-
twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty- rating
second, thirty-third, thirty-fourth and thirty-fifth sections of Doylestown
the preceding act, incorporating the borough of Doylestown, enacted and
are hereby enacted section by section, and extended to the the borough extended to
said borough of Newtown, with all the powers and immuni- of Newtown.
ties, and subject to the same restrictions.

SECTION 39. The citizens of said borough, qualified to Election to
vote as aforesaid, shall meet at the public house of Oliver be held for
Cadwallader, on the third Thursday in May, eighteen hun- the accept-
dred and thirty-eight, appoint five competent citizens, three- ance or re-
to act as judges and two to officiate as clerks, whose duty it jection of the
shall be, after being duly sworn or affirmed, to open on said act of incor-
day, between the hours of two and six o'clock P. M., an poration.
election, and receive written or printed tickets labelled on
the outside "borough," and on the inside "for the act of Certified co-
incorporation," or "against the act of incorporation," and after pies of elec-
closing said election and counting and adding up the whole tion to be
number of votes given, if there shall be a majority of said filed in pro-
votes given in favor of accepting this act, it shall be the thonotary's
duty of the said judges and clerks to make out two certified office.
copies of said election, one of which shall be filed in the
prothonotary's office, and the other deposited with the Se- Proviso
cretary of the Commonwealth, and the provisions of the relative to
aforesaid act of incorporation shall be in full force: *Provi-* notice of
ded, The constable of Newtown township, or any five citi- election.
zens of said Newtown residing within the proposed borough
boundaries, shall give twenty days notice of said election,
to be published in at least two newspapers; and the said
constable of Newtown township shall be eligible to the office
of high constable of said borough, and the said councils
shall hold their quarterly meetings, and all others, at such

place in said borough as may be agreed upon by said council.

SECTION 40. It shall be the duty of the chief burgess, or the assistant burgess, or either of them, immediately after their election and organization of the councils, to cause to be published in at least two English newspapers in said county of Bucks, an attested copy of the foregoing acts of incorporation, so far as they relate to the incorporation of Doylestown and Newtown, respectively, for at least three weeks, and it is further made their duty to publish all ordinances that may be enacted by the said councils, or either of them, for the government of said boroughs, for the same length of time and in not less than two English newspapers as aforesaid, before they can take effect.

SECTION 41. That the following boundaries are hereby extended to the borough of Newhope; beginning at a button-wood tree, on the borough line, at the head of a small island in the river Delaware, thence down and bounded by the said river about sixty-two perches, to a stone, thence, by land, formerly John Smith's, eighty-seven degrees south west, thirty-three perches to a stone, thence north thirty-five degrees west, twenty-one perches and two tenths, to a stone, thence, by land, late B. Parry's, twenty-two degrees east, forty-eight perches and six tenths to the said borough line.

SECTION 42. At the next election for directors in any of the banks of the city and county of Philadelphia, and of the city of Pittsburg, subject to the general bank law of eighteen hundred and twenty-four, not more than one half of the present directors shall be eligible for re-election, nor shall any of them be eligible at the next, and two succeeding elections, who have been directors in any one of said banks for the preceding five years continuously; and at all future elections not more than two thirds of the directors shall be eligible for re-election, nor shall any director be eligible for more than two years out of every four, and the partners in business of directors shall be comprised in this restriction, nor shall more than one individual of a firm be a director at the same time: *Provided*, That the director who is president for the time being shall always be eligible for re-election.

SECTION 43. That the sum of seven hundred dollars be, and the same is hereby appropriated annually, for three years, to commence the first of April, eighteen hundred and thirty-eight, for clerk hire, in the office of the Secretary of the Land office.

SECTION 44. The Governor of this Commonwealth is hereby authorized to borrow, on a temporary loan, the sum of

two hundred thousand dollars, at any rate of interest not exceeding six per centum per annum, for the purpose of repaying that sum borrowed from the President, Directors and Company of the Bank of the United States, pursuant to a resolution of the legislature, passed the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six; and if the same cannot be borrowed, then the Governor is hereby authorized to pay said loan out of any money in the treasury not otherwise appropriated by law.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

RESOLUTIONS.

No. 1.

Resolution

For the relief of Dorothea Benedict.

WHEREAS, By an act of the general assembly of this commonwealth, approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and thirty-seven, the State Treasurer was directed to pay to Sophia Benedict, of Lancaster county, the widow of a soldier of the Revolutionary war, the sum of forty dollars immediately, as a gratuity, and an annuity of forty dollars, payable half yearly during life: *And whereas*, The person intended to be pensioned by the said act, was erroneously called Sophia instead of Dorothea, her real name, by reason whereof she has been precluded from receiving and enjoying the benefits and relief intended to be afforded her by the said act, for remedy whereof, be it

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the State Treasurer be and he is hereby directed to pay to Dorothea Benedict, of Lancaster county, the widow of a soldier of the Revolutionary war, or to her proper order, the sum of eighty dollars, as a gratuity and pension for the year eighteen hundred and thirty-seven, and an annuity of forty dollars during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight; and so much of the seventh section of the aforesaid act as relates to the gratuity and pension of Sophia Benedict, of Lancaster county, shall be and the same is hereby repealed.

J. R. BURDEN,

Speaker of the Senate.

LEWIS DEWART,

Speaker of the House of Representatives.

APPROVED—The twelfth day of January, one thousand eight hundred and thirty-eight.

No. 2.

Resolution

Making an appropriation to supply the deficiency in the contingent fund of the Land office and Surveyor General's office.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the sum of three hundred and fifty dollars be appropriated, from any monies in the Treasury not otherwise appropriated, to pay the amount of deficiency in the contingent fund of the office of the Secretary of the Land office, for the year ending April first, one thousand eight hundred and thirty-eight, if the same be required, to be accounted for as provided for by law, and that the sum of fifty dollars be added to the contingent fund of the Surveyor General's office, to be accounted for as provided by law.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The eighteenth day of January, A. D. one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 3.

Resolution

Relative to the location of the Harmony bridge, in Susquehanna county.

WHEREAS, It was found necessary by the president and directors of the Harmony Bridge company, in Susquehanna county, to locate their bridge above the mouth of the Conawacta creek, instead of below the same, as was contemplated in the act incorporating said company; Therefore

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the proceedings of the Harmony Bridge company, in locating and building their bridge above the mouth of the

Conawacta creek, in Susquehanna county, be and the same are hereby confirmed, in the same manner and to all intents and purposes as if the said bridge had been located and built below the mouth of said creek, as contemplated by their act of incorporation.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-third day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 4.

Resolution

For the relief of Joseph Serena.

WHEREAS, By an act of the General Assembly of this commonwealth, approved the twenty-seventh day of March, Anno Domini eighteen hundred and thirty-seven, the State Treasurer was directed to pay to Joseph Lereno, of Westmoreland county, a soldier of the Indian war, a gratuity of forty dollars, and an annuity of forty dollars, to be paid half yearly during life; *And whereas*, An error was committed in the passage of said act, by designating the individual intended to be relieved thereby by the name of Joseph Lereno, instead of that of Joseph Serena his real name: Therefore

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the State Treasurer be and he is hereby directed to pay to Joseph Serena of Westmoreland county, a soldier of the Indian war, or his proper order, the sum of eighty dollars as a gratuity and pension for the year one thousand eight hundred and thirty-seven, and an annuity of forty dollars during life, to be paid half yearly, and to commence on the first day of January one thousand eight hundred and thirty-eight.

Resolved, That so much of the third section of the act entitled, An act for the relief of Conrad Hurts and others, soldiers and widows of soldiers of the Revolutionary and Indian wars, passed the twenty-seventh day of March, Anno Domini

eighteen hundred and thirty-seven, as relates to the granting of a gratuity and an annuity to Joseph Lereno, of Westmoreland county, shall be and is hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives.

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-third day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 5.

Resolutions

Relating to a National Road, from the Cumberland Road to the Harbor of Erie.

WHEREAS, The connection of the Cumberland road with Lake Erie, by opening a way for the transportation of arms and implements of war, is necessary for the common defence of the United States, and would essentially promote the general welfare, not only of this commonwealth, but also of the Union: Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Senators and Representatives of this commonwealth in the Congress of the United States, be requested to vote for and use their best exertions to obtain the passage of a law of the United States authorizing the construction of a M'Adamized road, from the National road, at some suitable point west of the western base of the Laurel Hill, by the way of the United States' Arsenal near Pittsburg, and the State Arsenal at Meadville, to the harbor of Erie, and appropriating a sufficient sum of money out of the Treasury of the United States for its immediate commencement and speedy completion.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in the Congress of the United States.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The thirtieth day of January, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 6.

Resolution

Authorizing and requiring the Governor to present a sword to General Hugh Brady, for his distinguished services during the late war with Great Britain.

WHEREAS, General Hugh Brady of the United States army has been highly distinguished for soldier-like conduct, at Bridgewater and many other places, during the late war with Great Britain : *And whereas*, His services are well known in former wars, and being a native of Pennsylvania and well worthy of her esteem and regard : Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Governor be and he is hereby authorized and required to present to General Hugh Brady, of the United States army, a sword suitable for the occasion, as a memento of the esteem of his native state for his services; the expense to be paid out of the state treasury.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The sixth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 7.

Resolutions

For the postponement of the Sub-Treasury Bill, expressing confidence in Martin Van Buren and the Democratic Senators and Representatives in Congress, and in favor of a separation of the Banks from the General Government.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Representatives in Congress be requested, and our Senators instructed, to vote and use their influence for a postponement, until the next session of Congress, of

the act introduced by the Honorable Silas Wright, of New York, commonly called the Sub-Treasury Bill, or any other act or acts of a similar character, and that they vote at this session for no act of a similar nature ; and that we have full confidence in Martin Van Buren, and in the wisdom and intelligence of our Democratic Senators and Representatives in Congress ; and our Senators are hereby further instructed, and our members requested, to vote for such a mode of receiving, keeping and disbursing the public monies, as will separate, as far as practicable, the Banks from the Government.

Resolved, That the Governor be requested to transmit a copy of the above resolution to our Senators and Representatives in Congress. Governor to transmit copies.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The sixteenth day of February, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 8.

Resolution

Relating to the alleged claims of Fenlon, Darlings and company, and others.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Canal Commissioners be, and they are hereby authorized and required, to examine into and settle the claims of Fenlon, Darlings and company, of Cambria county, in the commonwealth of Pennsylvania, for alleged errors in the measurement of the excavation and embankment on section number twenty-seven, of the Allegheny Portage Railroad, strictly conforming, however, to the provisions of the fourth section of the act entitled An act relative to the appointment of Canal Commissioners, passed April sixth, Anno Domini eighteen hundred and thirty ; the said examination and settlement to be as effectual in law as if the said Fenlon, Darlings and company had appealed from the final measurement of said excavation and embankment within the Relative to the claims of Fenlon, Darlings & Co. of Cambria county.

time mentioned, and in all other respects had complied with the provisions of that part of the act referred to : *Provided*, That no such adjustment of the claim aforesaid, has been made, or appeal lawfully entered and prosecuted by the said Fenlon, Darlings and company, or either of the firm, or their attorney, or the attorney of either of them, or an appeal been regularly entered but not prosecuted, according to the fourth section of the act aforesaid.

Relative to the claims of David & Sidney S. Easton, of Cambria co. *Resolved*, That the Canal Commissioners be, and they are hereby authorized and required, to examine into and settle the claim of David and Sidney S. Easton, of Cambria county, in the commonwealth of Pennsylvania, for alleged errors in the measurement of the excavation and embankment on section number thirty-four, of the Allegheny Portage Railroad, strictly conforming, however, to the provisions of the fourth section of the act entitled "An act relative to the appointment of Canal Commissioners, passed April sixth, Anno Domini, one thousand eight hundred and thirty ; the said examination and settlement to be as effectual in law as if the said David and Sidney S. Easton had appealed from the final estimate and measurement of said section within the time mentioned, and in all other respects had complied with the provisions of that part of the act referred to : *Provided*, That no such adjustment of the claim aforesaid has been made, or appeal lawfully entered and prosecuted by the said David and Sidney S. Easton, or either of them, or their attorney, or the attorney of either of them, or an appeal been regularly entered but not prosecuted, according to the fourth section of the act aforesaid.

Proviso.

Relative to damages sustained by J. Martin of Lancaster.

Resolved, That the Canal Commissioners be, and they are hereby authorized and required, to examine and enquire into the amount of damages that have been sustained by John Justice Martin, of the city of Lancaster, by reason of the location and construction of the Philadelphia and Columbia Railroad, which passes through his property, the same to be paid out of the damage fund, and shall be allowed by the Auditor General as in all similar cases : *Provided*, That the said claimant has not heretofore received any compensation for the damages aforesaid.

Proviso.

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 9.

Resolutions

Relative to the establishment of a National Armory at the Falls of the Big Beaver river or Pittsburg.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That, in the opinion of this Legislature, the contemplated National Armory ought to be established, either on the waters of the Big Beaver river, in the county of Beaver, or at or near the city of Pittsburg, in the county of Allegheny.

Resolved, That should the United States select the waters of the said river for the establishment of their Armory, then there is hereby granted to the United States the privilege of using the surplus waters of dam number five, at the west side of said dam : *Provided,* The same can be done without injury to the canal navigation.

Resolved, That the Governor be requested to communicate the foregoing resolutions to our Senators and Representatives in Congress.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The second day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 10.

Resolutions

Relative to the payment of certain scrip issued by the late superintendent upon the Columbia Railway.

WHEREAS, By a resolution of the General Assembly of this commonwealth, approved the twentieth day of May, one thousand eight hundred and thirty-seven, the sum of twenty thousand dollars was appropriated for the payment of certain debts due to persons holding certificates or scrip issued by William B. Mitchell, late superintendent of the Philadelphia and Columbia Railroad, upon their compliance with the several provisions therein contained : *And whereas,* The said sum of twenty thousand dollars, for the purpose

Preamble.

aforesaid, was directed to be paid out of the improvement fund, which fund it appears is pledged to other purposes; Therefore,

\$20,000 ap-
propriated.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the sum of twenty thousand dollars be and the same is hereby appropriated out of any monies not otherwise appropriated, for the payment of the several claimants whose claims have been allowed, audited and passed by the Auditor General, in conformity with the requisitions of the aforesaid resolution of the twentieth day of May, Anno Domini one thousand eight hundred and thirty-seven, in the same manner and under the same restrictions as is therein provided for; and the Canal Commissioners are hereby authorized and required to receive, in like manner as is provided for in the aforesaid resolution, until the first day of April next, such claims as have not as yet been presented by the original holders of scrip issued by the said William B. Mitchell, which claims shall be received, considered and adjusted in the same manner as those received under the provisions of the aforesaid resolution: *Provided*, No interest shall be allowed on any of the said scrip, and if the said amount of scrip exceeds twenty thousand dollars, the same to be divided pro rata.

Mode of re-
ceiving and
adjusting the
claims.
Repealing
clause.

Resolved, That so much of the said resolution as directs the Canal Commissioners to pay the amount of the said claims out of the improvement fund, be and the same is hereby repealed.

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,

Speaker of the Senate

APPROVED—The thirteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 11.

Resolution

For the extension of the Shenango Bridge, at New Castle.

Preamble.

WHEREAS, In consequence of the feeder dam across the Shenango creek, at New Castle, the bed of said creek has been so changed as to render the bridge previously constructed at that place entirely useless: Therefore,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly

met, That the Canal Commissioners be and they are hereby authorized to construct a permanent bridge, supplementary to the bridge already erected, on the Shenango creek at New Castle, so as to connect the same with the western shore of said creek, and to construct the embankment which may be necessary at each end of said bridge, so as to make the same passable and useful, and that the expenses thereof be paid out of any money in the treasury of this commonwealth not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 12.

Resolution

Relative to the erection of a Dry Dock, at the Navy Yard, in Philadelphia county.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Senators of this commonwealth in the Congress of the United States, be instructed, and the Representatives be requested, to vote for and use their best exertions to obtain an appropriation for the erection of a Dry Dock, and such other improvements in the Navy Yard at Philadelphia, as may seem to be necessary or useful.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in the Congress of the United States.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 13.

Resolution

Relative to the payment of the debts due by the commonwealth, on account of expenses incurred by the late Convention to propose amendments to the Constitution.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Auditor General be, and he is hereby authorized and required, to settle and adjust all claims which are now or may hereafter become due by the commonwealth, on account of expenses incurred by the late "Convention to propose amendments to the Constitution of the State," which shall be presented, satisfactorily authenticated, and the State Treasurer is hereby directed to pay the same out of any monies in the treasury not otherwise appropriated; and the Secretary of the Commonwealth is authorized to draw his warrants on the State treasurer, from time to time, for the payment of printing the amended Constitution, as the several sums may fall due; and the Auditor General be and he is hereby authorized and required to make semi-monthly settlements of the accounts of the printers and stenographer, if properly presented, and the State Treasurer is hereby authorized to pay the same out of any money not otherwise appropriated: *Provided,* That the writing out and publication of the debates of said Convention, shall not include the debates on questions of order and adjournment.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty ninth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 14.

Resolution

Relative to the gratuity and annuity of James Pratt, a soldier.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

met, That the State Treasurer be and he is hereby directed to comply with the requisitions of the second section of a law, passed the third day of April, one thousand eight hundred and thirty-seven, in relation to a gratuity and annuity to James Pratt, a soldier, of Columbia county.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 15.

Resolutions

Relative to the canal damages and claims of John Snyder and William Stall, and others.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Board of Appraisers of canal damages be, and they are hereby authorized and required, to re-examine and assess the damage, if any, which may have been sustained by John Snyder and William Stall, and others, of the county of Columbia, by reason of the construction of the Pennsylvania canal; and it shall be the duty of the said Board of Appraisers to issue subpoenas for witnesses, and examine them upon oath or affirmation in relation to the claims of the persons named in this resolution; and the said Board of Appraisers, or any one of them in the presence of the others, shall have power to administer oaths or affirmations to all such witnesses as it may be necessary to examine: *Provided*, That in assessing the damages, the Board of Appraisers shall take into consideration the benefit which the petitioners derive from the construction of said line of canal, according to the general laws of this commonwealth in such cases, and if the former decision of said Appraisers shall be affirmed, or the amount assessed heretofore in favor of the petitioners, if any, shall not be increased, then the petitioners for this law, to pay all the expenses of said appraisement.

Relative to canal damages of John Snyder and Wm. Stall and others, of Columbia county.

Proviso.

Resolved, That it shall be the duty of the Board of Appraisers of this commonwealth, to re-examine if any and what

Canal damages of Edw. Inman, of Luzerne co. amount of damages have been sustained by Edward Inman, of Luzerne county, in the overflow of certain of his land, situated in Hanover township in said county, caused by the erection of the Nanticoke dam, on the North Branch of the Susquehanna river; shall report the sum to which in equity and justice they shall think him entitled, which shall be paid out the fund appropriated to the payment of damages caused by the construction of the canals and railroads of this commonwealth, and the said commissioners are hereby required to examine witnesses in reference to said claim.

Canal damages of R. Winslow, of Chester co. *Resolved*, That the Board of Appraisers be, and they are hereby authorized and required, to examine into and settle the claim of Reuben Winslow, of Chester county, in the commonwealth of Pennsylvania, for damages incurred by the variation of the facilities afforded him in complying with the terms of his contract on the Columbia and Philadelphia Railroad, strictly conforming, however, to the provisions of the fourth section of the act entitled An act relative to the appointment of Canal Commissioners, passed April sixth, Anno Domini one thousand eight hundred and thirty; the said examination and settlement to be as effectual in law as if the said Reuben Winslow had appealed from the final settlement of his contract within the time mentioned, and in all other respects had complied with the provisions of that part of the act referred to: *Provided*, That no such adjustment of the claim, aforesaid, has been made, or appeal lawfully entered and prosecuted by the said Reuben Winslow, or his attorney, or an appeal regularly entered but not prosecuted according to the fourth section of the act aforesaid.

Proviso.

Canal damages of James Clawson, of Westmoreland co. *Resolved*, That it shall be the duty of the Appraisers of Damages on the Pennsylvania canal, to ascertain if any damage was done to and sustained by James Clawson, in the carrying away and destruction of his salt works, on the river Kiskiminitas, immediately below dam No. two, in the county of Westmoreland, by the freshet in the month of February, one thousand eight hundred and thirty-two, and if, upon full investigation and inquiry, they shall be of opinion any damage was sustained, and that said loss was caused by the construction or the breaking of the dams in the said river, without default or negligence on the part of the owner, and that the commonwealth ought to be responsible for the same, then to report the amount of damages they shall find the said James Clawson shall be entitled to, taking into consideration the advantage of the canal and public improvements on said river to the property of said Clawson, which sum, so reported, shall be paid out of the damage fund as in other cases of

damages sustained by reason of the construction of the Pennsylvania canal, and that the said Appraisers shall, in this case, have power to issue subpœnas to witnesses, and, if necessary, to award attachments to compel their attendance.

Resolved, That the Canal Commissioners be, and they are hereby authorized to re-examine the claims of George D. G. Foreman, contractor for lock number one, on the Erie extension of the Pennsylvania canal, for injuries sustained in consequence of the flowing of water back on the said lock, caused by the erection of the Shenango feeder dam, and if, upon re-examination, they are satisfied that he has sustained damage, then to make such allowance as shall be just reasonable.

Resolved. That the Canal Commissioners be, and they are hereby authorized and required, to ascertain if any and what amount of damage has been sustained by John Wagoner, of York county, caused by quarrying of stone on his property and applied to the construction of the Eastern division of the Pennsylvania canal, and should they believe that the said John Wagoner has suffered damage, as aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages caused by the construction of railroads and canals of this commonwealth.

Resolved, That the Canal Commissioners be, and they are hereby authorized and required, to inquire into the claim of additional damages sustained by James Herrington, of Crawford county, from the construction of the French creek division of the Pennsylvania canal, and to ascertain the actual damage done to the land of the said James Herrington, and pay the same out of the damage fund, and the said payment shall be allowed by the Auditor General as in other cases.

Resolved, That the Board of Appraisers of canal damages be, and they are hereby authorized and required, to re-examine and assess the damage, if any, which may have been sustained by Patrick Gwin, of the county of Huntingdon, by reason of the construction of the Pennsylvania canal, and it shall be the duty of the said Board of Appraisers to issue subpœnas for witnesses, and examine them upon oath or affirmation in relation to the claim of said Patrick Gwin, and the said Board of Appraisers, or any one of them in the presence of the others, shall have power to administer oaths or affirmations to all such witnesses as it may be necessary to examine.

Canal damages of J. Davis, of Crawford county. *Resolved*, That the Board of Appraisers be, and they are hereby authorized and required, to inquire into the claim of damages sustained by John Davis, of Crawford county, from the construction of the French creek division of the Pennsylvania canal, and to ascertain the actual damage done to the land of the said John Davis, to be paid out of the damage fund.

Claim of the heirs of Jas. McNamee, a canal contractor. *Resolved*, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claim of the heirs of James M'Namee, deceased, late a contractor on section number thirty-seven, of the Juniata division of the Pennsylvania canal, for stone and materials prepared and delivered by said deceased, while a contractor as aforesaid, and if they find any thing due them on account of said claim, to direct the amount thereof to be paid out of any money in the treasury not otherwise appropriated: *Provided*, That if the claims of either of the persons named in the preceding resolutions have been assessed under existing laws, and paid, no further proceedings shall be had in such case under these resolutions.

Proviso.

Canal damages of Thos. T. Cromwell. *Resolved*, That the Appraisers of Canal Damages be, and they are hereby authorized and required, to re-examine the claim of Thomas T. Cromwell, for damages sustained by him on section number one hundred and sixty-two, on the Juniata division of the Pennsylvania canal, and ascertain the amount if any; and the Canal Commissioners are hereby required to direct such amount to be paid out of the damage fund, as in other cases.

Canal damages of J. McFadden. *Resolved*, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claim of Jackson McFadden, for damages sustained by him in the construction of lock No. 2, on the Lycoming division of the Pennsylvania canal, and allow him such compensation as shall be equitable and just, having reference to a change of a part of the work from rough to cut stone, and also to what others were paid for constructing similar locks on the same division, and to direct the amount (if any) to be paid out of the fund appropriated for similar purposes.

Claim of D. Easton, Jas. Collins and E. Easton. *Resolved*, That the Canal Commissioners be, and they are hereby authorized to examine the claim of David Easton, James Collins and Emery Easton, contractors for locks numbers five, six and seven, on the Erie extension of the Pennsylvania canal, for retained per centage, and if, in their opinion, the circumstances would render it just and equitable that they should be paid such per centage, then to ascertain the amount and direct the same to be paid out of the damage fund, and the account shall be audited in the usual way.

Resolved, In assessing the damages, in all cases mentioned in this act, the Canal Commissioners or Board of Appraisers shall take into consideration the amount heretofore paid to the claimant of such damages, or those under whom he claims, and also take into consideration the benefit which said applicant derives or may derive from the construction of the public works, as is directed by the general laws of this commonwealth, relative to the assessment of damages done to real property by the public works, and if no damages shall be awarded, or a sum no greater than has been heretofore awarded in favor of the claimant named in any section of this act, said claimant shall pay all expenses incurred in making such examination, which expenses shall be assessed by the Canal Board, and collected from such applicant, in the name of the commonwealth, as debts of equal amount are by law recoverable.

In assessing damages the benefits derived are to be considered.
Who is to pay the expenses of examination.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.



No. 16.

Resolution

Relative to the Upper Basin at Hollidaysburg.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Canal Commissioners are hereby authorized and required, as soon as practicable, to construct a waste gate in the dam at the upper basin at Hollidaysburg, or some other improvement as they may adjudge proper, so as, when necessary, to draw off the water and clear out the sediment deposited in said basin, and at all times to keep up and maintain a free and interrupted navigation for the passage of boats throughout said basin.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 17.

Resolution

Relative to certain undrawn balances in the School Fund, and for other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the balance of the appropriations made under the act, entitled An act to establish a General System of Education by Common Schools, passed the first day of April, one thousand eight hundred and thirty-four, and the several supplements thereto, and the balance of the first appropriation of one hundred thousand dollars, and all subsequent balances which shall remain undrawn on the first day of November, one thousand eight hundred and thirty-eight, and all subsequent balances shall remain in the treasury and accumulate for the use of such district or districts entitled to the same, for any time not exceeding one year from the first day of November, one thousand eight hundred and thirty-eight, and all such undrawn balances remaining in the treasury on the first day of November, one thousand eight hundred and thirty-nine, shall be repaid into the school fund, and in like manner the undrawn balances of subsequent appropriations shall be repaid into the said fund, annually, thereafter.

Resolved, That the board of directors of the public schools in the city of Lancaster, established under an act of the general assembly of this commonwealth, passed the first day of April, one thousand eight hundred and twenty-two, and the supplement thereto, passed the first day of April, one thousand eight hundred and twenty-three, shall be and they are hereby authorized and empowered to receive and draw, from the Common School fund of the state, the amount now due out of the several sums heretofore appropriated, and their proportionate share hereafter to become due out of the annual appropriation of two hundred thousand dollars, or any sum hereafter to be appropriated for the support of Common Schools in this commonwealth, to the city of Lancaster, which shall be paid by the State Treasurer in like manner and to the same effect as if the said corporation was an accepting district under the Common School System : *Provided,* That the said money shall be expended by the said board of directors in such manner as shall be best calculated

Time of forfeiture extended one year

Public Sch's in the City of Lancaster.

To receive their proportionate share of the annual state appropriation.

Proviso.

to educate the children of said city : *And provided also,* That the same shall not be paid to the said directors until after the election provided for in the sixteenth section of an act entitled "A supplement to an act relative to a General System of Education by Common Schools," passed the thirteenth day of June, one thousand eight hundred and thirty-six, shall have been held; and a majority of the qualified voters of the said city of Lancaster shall have refused to adopt the Common School System. 2nd Proviso

Resolved, Should a majority of the voters aforesaid, at the said election, decide against an acceptance of the Common School System, then the commissioners of the county of Lancaster shall, at the time of issuing their precepts to the assessors of the city and different townships of the county, in the year of our Lord one thousand eight hundred and thirty-nine, and annually thereafter, order and direct the assessor of the city of Lancaster to assess, in addition to the usual county tax, an annual school tax in said city, not exceeding in amount eight hundred dollars in the whole, which shall be levied, assessed, collected and paid into the county treasury in like manner as the usual county tax (of which it shall be considered part and parcel) is now levied and assessed, upon the inhabitants residing within the limits of the said city, and the directors of the public schools aforesaid, are hereby authorized and empowered to draw from the treasury of the county, annually, the aforesaid sum of eight hundred dollars, in the same manner as is now provided for by the act entitled An act to provide for the education of children at the public expense, within the city and incorporated boroughs of the county of Lancaster, passed the first day of April, one thousand eight hundred and twenty-two, and its supplement, passed the first day of April, one thousand eight hundred and twenty-three. Authority to assess an annual school tax of \$800.

Resolved, That so much of the aforesaid act of the first day of April, one thousand eight hundred and twenty-two, and its supplement, as directs the sum of eight hundred dollars to be paid out of the county treasury generally, for the support of the public schools in the city of Lancaster, shall be and the same are hereby repealed. Repeal of part of act of April 1, 1822

Resolved, That in addition to the directors appointed agreeably to the provisions of the acts of the first of April, one thousand eight hundred and twenty-two, and its supplements, the qualified citizens of the city of Lancaster shall, on the first Tuesday in May next, and annually thereafter, elect twelve citizens qualified to serve as school directors, who shall be elected for the time and in the same manner as is prescribed by the provisions of the act of the thirteenth Authority to elect twelve additional school directors.

June, Anno Domini eighteen hundred and thirty-six, entitled
 "An act to consolidate and amend the several acts relative
 to a General System of Education by Common Schools,"
 who shall act in conjunction with, and have and enjoy all
 like powers, rights and privileges as are enjoyed by the
 board of directors as at present organized and constituted ;
 and the said board shall be organized as is required by the
 third section of the act, and shall appoint the president, sec-
 retary and treasurer, and it shall be the duty of the said
 board of directors to adopt such a system of education as
 will fully carry into effect the objects of the legislature, as
 expressed in the several acts relating to Common Schools :

There powers and privileges.
 Proviso. *Provided*, That the mayor of the aforesaid city of Lancaster,
 and the presidents of the select and common councils, for
 the time being, shall be ex-officio members of the said board
 of directors : *Provided*, That no part of the monies, afore-
 said, shall be expended in the support of any school which is
 not free to all classes of pupils, in the same manner as Com-
 mon Schools.

2nd Proviso

LEWIS DEWART,

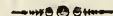
Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand
 eight hundred and thirty-eight.

JOS. RITNER.



No. 18.

Resolution

Granting a premium to Royal Freeman, for a device for propelling
 boats.

Preamble. WHEREAS, Royal Freeman has exhibited the model of a
 device for propelling boats by means of a slide, with setting
 poles, to operate by steam power : Therefore, to give en-
 couragement towards making a sufficient practical test of
 said device,

*Be it Resolved by the Senate and House of Represen-
 tatives of the Commonwealth of Pennsylvania in General
 Assembly met*, That the sum of two thousand dollars, as a
 premium, is hereby guaranteed to be paid to the said Royal

Freeman out of any money in the treasury not otherwise appropriated, so soon as the board of Canal Commissioners shall certify to the Governor that the said device for propelling boats has been put into useful practical operation, particularly in ascending the Allegheny river, and that, in their opinion, said device is preferable to any other power previously used in propelling boats up the said river: *Provided*, That the said Royal Freeman shall satisfy the Canal Commissioners that said device was first invented by him.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 19.

Resolution

Relative to the State Library, and for other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That from and after the passing of this resolution, the State Library shall be kept open every day during the sessions of the legislature, and the Supreme Court, and every day, Sunday excepted, during the remainder of the year, such hours in the day as the joint committee on the library may, from time to time, order and direct. State Librarian to be kept open every day during certain hours

Resolved, That the State Librarian shall continue to be appointed in the same manner as is now provided for by the act entitled, An act to provide for the better preservation and increase of the Library of this commonwealth, approved the twenty-eighth day of February, Anno Domini eighteen hundred and sixteen, and from and after the passage of this resolution he shall receive a salary at the rate of seven hundred and thirty dollars per annum, payable quarterly, out of the state treasury, in full compensation for his services, instead of the per diem allowance during the session of the legislature, paid him agreeably to the provisions of the third Appointment and Salary of the State Librarian.

section of the act aforesaid; the salary of the said librarian shall be paid on warrants drawn on the State Treasurer in the usual manner.

Repeal part of act of 28th Feb. 1816. *Resolved*, That so much of the aforesaid act of the twenty-eighth day of February, eighteen hundred and sixteen, as is or may be inconsistent herewith, shall be and the same is hereby repealed.

Chairman of the joint library committee to purchase certain law books. *Resolved*, That the chairman of the joint library committee be, and he is hereby authorized and required, to purchase such law books, to be placed in the law department of the State Library, as a majority of the judges of the Supreme Court may direct: *Provided*, The expenses thereof shall not exceed the sum of two thousand dollars; and the sum of two thousand dollars is hereby appropriated for the purchase of said law books, the same to be paid to the chairman of the joint library committee, upon the warrant of the Governor.

\$400 appropriated. *Resolved*, That the sum of four hundred dollars, in addition to the annual appropriations heretofore made, be and the same is hereby appropriated for the purpose of defraying the expenses incurred in the purchase of books for the State Library, and other expenses incident thereto, and the same is hereby made payable by the State Treasurer by the same authority as is provided for in the act of twenty-eighth of February, eighteen hundred and sixteen.

Eastern penitentiary, a moral instructor to be ap'd therein. *Resolved*, That it shall be lawful for the inspectors of the Penitentiary of the Eastern District of Pennsylvania, to elect or appoint, as soon after the passage of this resolution as they shall deem proper, an officer in said Penitentiary, who shall be called a moral instructor, whose duty shall be to advise and instruct the prisoners therein confined in their moral and religious obligations, and perform such other services as shall, in the opinion of said inspectors, appertain to his station, and the said officer shall receive, as a remuneration for his services, a sum not exceeding eight hundred dollars per annum; the said officer to hold his situation during the pleasure of the said inspectors.

His salary. *Resolved*, That the salary of the said officer shall be paid by the State Treasurer out of the sum of two thousand dollars appropriated for the purchase of law books, the same to be paid to the said officer, upon the warrant of the Governor.

Preamble relative to the statistics of the state. *Whereas*, It is highly important to the citizens of this commonwealth to know the value of its agricultural productions, its minerals, its manufactures and commerce, and the number of persons engaged in agriculture, manufactures and commerce: Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth be, and he is hereby directed, to send immediately to the assessors of every

ward, township and district within this commonwealth, print-
 ed lists of queries on the subjects of agriculture, manufac-
 tures and commerce; that the assessors be, and they are
 hereby directed, to obtain such information whilst taking the
 returns for the annual assessment as will enable them to an-
 swer such queries, in such manner as to exhibit statistics of
 agriculture, manufactures and commerce for one year, in
 their respective wards, townships and districts, and make
 returns thereof to the Secretary of the Commonwealth, on or
 before the first day of February, Anno Domini one thousand
 eight hundred and thirty-nine; and the treasurers of the re-
 spective counties are hereby directed to pay the assessors
 one dollar, out of the county treasury, for every day engaged
 in making out the said returns; that the Secretary of the
 Commonwealth shall require from the inspectors appointed
 under the inspection laws of this state, the value and kind of
 articles inspected for exportation or home consumption, res-
 pectively.

Resolved, That the Secretary of the Commonwealth be,
 and he is hereby required, to report to the legislature, on
 or before the first Monday of March, Anno Domini eighteen
 hundred and thirty-nine, a compilation of statistical tables,
 so as to exhibit as nearly as possible the annual product of
 the agricultural, manufacturing and commercial wealth of
 the state.

Resolved, That the Secretary of the Land Office be, and
 he is hereby authorized and required, to have copied into a
 book or books proper for the purpose, all the patents, deeds,
 mortgages, letters of attorney, and other records in his office
 which relate to lands in the city and county of Philadelphia,
 and the same, being duly certified by him, shall be deposi-
 ted in the office of the recorder of deeds for the city and
 county of Philadelphia, and copies thereof duly examined
 and certified under the seal of the said office, shall be evi-
 dence in the same manner as is now provided by law in rela-
 tion to exemplification from the original records: *Provided*,
 That the commissioners of the county of Philadelphia be,
 and they are hereby required, to defray the reasonable expen-
 ses attending the copying and transmitting the same.

Resolved, That a general partner in any limited partner-
 ship may, with the assent in writing of his partner, by deed
 duly acknowledged and recorded, or by last will and testa-
 ment, in writing, sell, assign, dispose of or bequeath his
 interest in such limited partnership; and when such general
 partner dies without having disposed of his interest in such
 limited partnership, his administrator or executor may, in
 like manner; sell, assign and transfer his interest therein

for the benefit of his estate ; and on every such sale, transfer or bequest, a corresponding alteration shall be made in the name or firm under which the business of such partnership is conducted, and the same shall be forthwith acknowledged, certified, recorded and published, in the same manner as is provided by law in the case of the original formation of the partnership.

Special partner. *Resolved,* That a special partner, with the assent of his partner, in writing, first had and obtained, may sell or assign his interest in a limited partnership without causing interest, &c. thereby a dissolution of the partnership.

Insolvency of special partners not to cause a dissolution. *Resolved,* That the insolvency of any special partner shall not cause a dissolution of the limited partnership, but his interest therein shall be sold by his assignees for the benefit of his creditors.

Executors or administrators of special partners may sell their interest, &c. *Resolved,* That when any special partner shall die, without having disposed of his interest in the limited partnership, his executor or administrator may either continue his interest therein for its unexpired term, for the benefit of his estate, or may sell the same at public auction, under the direction of the Orphans' Court of the county in which the principal place of business of such partnership may be, in the same manner as the estates of intestates are now by law sold; testamentary dispositions, in writing, of the interest of special partners may also be made ; the decease of special partners shall not dissolve such limited partnership, unless by the agreement between the parties it is provided that such decease shall have that effect.

Notice of alterations in partnership to be given. *Resolved,* That every alteration in such limited partnership, according to the provisions of this resolve, shall be notified to the general partner, and shall be duly acknowledged, certified and recorded, as in the case of the original formation of such partnership.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No 20.

Resolution

Relative to the claim of the old Wyoming sufferers.

WHEREAS, A memorial has been presented to the Congress of the United States, in behalf of the old Wyoming sufferers, their widows, heirs and legal representatives, praying that Congress would grant them a tract of land, in satisfaction of their claims for losses and sufferings sustained at the hands of the common and savage enemy : *And whereas*, said losses and sufferings were incurred under circumstances peculiar to the Wyoming settlement, inasmuch as the two companies raised at Wyoming, in pursuance of the resolution of Congress of the twenty-third of August, one thousand seven hundred and seventy-six, for the defence of the inhabitants of said town, and parts adjacent, till further orders from Congress were, by another resolution of the twelfth December following, ordered to join General Washington with all possible expedition ; thus at the same time exciting the anger of the enemy, by aid furnished the Continental army, and depriving the settlement of its means of defence: *And whereas*, said claim is well founded in justice and equity, and no compensation ever has been, in any way made to those sufferers, and as there is no source, other than the Congress of the United States, to which the claimants can now look with any hope of remuneration : Therefore

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators in Congress be instructed, and our Representatives be requested, by their influence and their votes, to support said claim, and to procure, if possible, the passage of such a law as will adequately compensate the Wyoming sufferers for their losses during the Revolutionary war.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 21.

Resolution

Repealing the third section of the incompatible act of the sixth March, eighteen hundred and twelve, and for other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the third section of an act entitled A supplement to an act declaring the holding of certain offices or appointments incompatible, passed the sixth of March, eighteen hundred and twelve, and all other laws making members of the legislature incompetent to receive appointments to office after they shall have resigned their seats, be and the same are hereby repealed.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No 22.

Resolution

Relative to changing the lots attached to certain lock houses on the Juniata division of the Pennsylvania canal, and relative to other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That it shall and may be lawful for the Canal Commissioners to change the location of the lot of ground or garden attached to the lock house at the Augwick dam, in Wayne township Mifflin county, and also the location of the garden or lot of ground attached to the lock house, at the three locks above Lewistown, in Oliver township Mifflin county, on the Juniata division of the Pennsylvania canal, if they shall be of opinion that such change can be conveniently made without injury to the public works: *Provided,* The owners of the land, with whom such exchange shall be proposed to be made, shall consent to the same, and that the said canal

Lots attached to certain lock houses may be changed.

Proviso.

commissioners shall and are hereby authorized to make conveyances for the lands now occupied as aforesaid, to the person or persons with whom they shall make such change, and to receive conveyances from such person or persons in the name of the commonwealth for the land they shall take in exchange, and hereafter occupy for a lot or garden to said houses: *And provided*, That the whole expense shall be borne by the persons with whom the said commissioners shall make such exchange. 2d Proviso.

Resolved, That the Canal Commissioners be, and they are hereby authorized and required to examine, if any, and what amount of damages was sustained by William C. Hull of Lancaster county, a transporter on the Philadelphia and Columbia Railroad, in having his car run down and the freight of the same destroyed by one of the State locomotive Engines, during the year eighteen hundred and thirty-five: *Provided*, That they shall be satisfied that the same was done through the negligence of the engineer, and are of opinion that the state should pay the same; should they think him entitled to damage as aforesaid, they shall report the amount thereof, which shall be paid out of the damage fund. Damages of Wm. C. Hull of Lancaster Co. Proviso.

Resolved, That the Canal Commissioners are hereby authorized to purchase, on behalf and in the name of the commonwealth, such land where there is any useful water power created by the public works as they may deem necessary, for the beneficial use of said water power, and to draw their warrant upon the State Treasurer for the amount thereof, and make report of their proceedings to the next legislature. Canal Commissioners authorized to purchase certain land.

Resolved, That all companies hereafter incorporated, for the construction of canals, railroads or other works of internal improvement in the state of Pennsylvania, shall cause correct topographical maps to be made, showing accurately the location of their works, together with accurate profiles of the ground; the said maps and profiles shall be made on a uniform scale, to be designated by the Canal Commissioners, and shall be deposited in the office of the said Commissioners, at Harrisburg; and the said companies shall further cause a complete and correct set of drawings to be made, exhibiting the plans, profiles and elevations of all important constructions upon their respective works, accompanied by the proper specifications and bills of materials; the plans shall be of uniform size, and bound together in the form of a book which shall be deposited in the office of the Canal Commissioners, and that the Canal Commissioners be directed to request all canal and railroad companies, heretofore incorporated, to furnish and deposite in their office, as Canal and Railroad companies to make topographical maps.

far as practicable, similar maps, profiles and drawings, as is herein provided in relation to companies hereafter to be incorporated.

West Branch Bank at Williamsport to advertise a meeting of the stockholders &c. *Resolved*, That the commissioners named in the act incorporating the "West Branch Bank at Williamsport," or any five of them, shall have power to advertise a meeting of the stockholders, for the purpose of holding an election for thirteen directors of said Bank, at any time before the third Monday of November next.

Preamble relative to the Northamp'n tract of land commences on the line of Schuylkill county, and Luzerne and running into that county: Therefore *Whereas*, The Northampton and Luzerne Coal company, incorporated the sixteenth day of June, eighteen hundred and thirty-six, have ascertained that the coal on their Northamp'n tract of land commences on the line of Schuylkill county, and Luzerne and running into that county: Therefore

Coal Co. *Resolved*, That the Northampton and Luzerne Coal company be, and is hereby authorized, to purchase and hold lands within the county of Schuylkill, adjoining their property; and that they be further authorized to construct their railroads within five years; the quantity of land held by said company not to exceed two thousand acres.

5 years and to hold 2000 acres of land. *Resolved*, That the Shamokin Coal company shall have the right to hold the quantity of land which the said company has authority to hold, by the fourteenth section of the act of incorporation, in the counties of Northumberland and Columbia, or either of them, according to the provisions of said quantity the said section.

Shamokin Coal Co. authorized to hold a certain quantity of land. *Resolved*, That the West Philadelphia Railroad company be, and they are hereby authorized, to extend their road to and across the river Schuylkill, on either the Permanent Bridge now erected on the said river at High or Callowhill street: *Provided*, they shall obtain the consent of the corporation or company owning the bridge over which they shall cross said river, and in case they cannot obtain the consent of either of the said companies owning either of said bridges, on such terms as are reasonable, then the said railroad company may, and they are hereby authorized and empowered, to erect and build a permanent bridge over the said river, at or opposite any of the public streets between the bridge at High street, in the city of Philadelphia and the Fairmount Bridge; for that purpose they shall have the right to enter upon the private property of individuals, upon the same conditions and on paying for the same in the same way, as they are authorized and required to do in making the said railroad; the said bridge shall be so constructed as to have two railroad tracks, and two tracks for common traveling, and shall not obstruct or impede the navigation of the said river, nor injure the Fairmount Water

Authority to erect a bridge.

Navigation of the river not to be obstructed.

Works ;and if, in the opinion of any future legislature, the said bridge shall injure either, the power is hereby reserved to alter or modify the authority hereby given, so that no injury shall be done, and this law, in such case, may be repealed, and the bridge removed at the expense of the said railroad company ; and the said railroad company may charge less, but not beyond the rates of toll charged by the Permanent Bridge company, for crossing their bridge : *Provided*, That all persons going to and returning from places of worship and funerals, shall pass over the same free of toll.

Right to modify or repeal this act reserved.
Rates of toll.
Proviso.

Until the said bridge shall be built the said railroad company shall have power to establish a Steam Ferry, for the purpose of transporting their engines, cars and other vehicles, with merchandize, over the said river, charging the same tolls as are hereby authorized for passing over said bridge when finished : *Provided*, that said ferry shall be so constructed and managed as not to impede or obstruct the navigation of said river.

Power to establish a Steam Ferry.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The seventeenth day of April, one thousand eight hundred and thirty eight.

JOS. RITNER.

ERRATA

- PAGE 4, in the 6th line of the certificate, for "*nineteeth*," read "*nineteenth*."
- " 36, in the 3d line of 16th sec. for "*Pike county Port Jarvis*," read "*Pike county & Port Jarvis*."
- " 78, in the 6th line of 12th sec. for "*Lugwig*" read "*Ludwig*."
- " 121, in the title of act 34, for "*Schuykill river*," read "*river Schuykill*."
- " 140, in the first line of the preamble to 42 sec. for "*action subjects*," read "*action on subjects*."
- " 164, in the first line of 5th sec. for "*twefth*," read "*twelfth*."
- " 182, in the sixth line of 50th sec. for "*on the said*," read "*on the said road*."
- " 197, in the fifth line of 1st sec. for "*and if should they think*," read "*and should they think*."
- " 237, in the thirteenth line of 71st sec. for "*respective*," read "*respective*."
- " 311, in the sixth line of 95th sec. for "*horeby*," read "*hereby*."
- " 442, in the last line, for "*froom the borough*," read "*from the borough*."
- " 464, in the sixth line of 12th sec. for "*landing*," read "*lading*."

SECRETARY'S OFFICE, HARRISBURG, }
June, 18, 1837. }

I certify, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with and corrected by the original rolls on file and of record in this office, the proof sheets of the printed copies of the foregoing acts and resolutions, being the whole number of laws passed during the session of the legislature which terminated on the 17th day of April, 1838.

THO. H. BURROWES,
Secretary of the Commonwealth.

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